THE ANNUAL REPORT
OF THE
OMBUDSMAN FOR CHILDREN OF REPUBLIC OF SRPSKA
FOR 2013

Banja Luka, February 2014
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Respected sir/madam,

In accordance with the Article 17. of the Law on Ombudsman for Children of Republic of Srpska I submit the Report on the work of the Institution of Ombudsman for Children for the year 2013.

Ombudsman for Children
Nada Grahovac PhD
I INTRODUCTION

1. Proceedings of Ombudsman for Children and the overall assessment

This is the fifth report of the Institution of Ombudsman for Children to the National Assembly of the Republic of Srpska, that also informs other agencies and the general public about the activities of the Institution in the previous year, the omissions of the authorities to protect the rights and interests of children, the need for harmonization of legislation with the requirements of the Convention and strengthening system of protection in certain parts.

The continuous increase in the number of people addressing Institution, on one hand we see as an advantage, because, in comparison with the neighbouring countries, the number of received complaints by Institution is not a reflection of the degree of endangerment of children's rights in the Republic of Srpska, but rather the result of the increased visibility of children's rights and greater sensitivity of government and the non-governmental sector for a number of issues related to the growing up of a child, with the emphasis on the better visibility of the Institution in which citizens have greater trust.

Increased number of addressing is a result of the increased availability of Institution in the entire territory of the Republic of Srpska. In addition to the offices in Banja Luka, Foca and Doboj, Ombudsman for Children and his deputies and assistants pay regular visits and provide services to citizens of Prijedor, Bijeljina and East Sarajevo. In the reporting period they also have visited almost all local communities in order to implement investigative or educational activities.

An increasing number of cases that Institution has acted upon serves as the additional pressure and the obligation for the Institution to have complete insight of child's growing conditions, especially of solutions on national level, and by their improvement ensured would be protection of the rights of every child, and not just those who have addressed the Institution.

Since the number of applications continues to increase and the expectations of citizens are constantly growing, the pressure of the Institutions on relevant competent authorities is also increased, demanding higher efficiency, especially in the systematic approach to the protection of children, in order to reduce the need of citizens to address Institution. At the same time, citizens are more aware of the rights that children have and that are guaranteed not only by international documents on human rights in general and especially by the Convention on the Rights of a Child, as well as with the Constitution of the Republic of Srpska. The essence of complaints received by the Institution is the need for better organization and more efficient work of institutions and services against which these complaints were made.

Identifying the problem is an important step in its resolution. When the Ombudsman for Children based on the appeal that indicates the violation of the rights of the child or if ex officio relevant statement was requested from competent body, and when the competent body admits indicated failure and corrects it, procedure initiated by the Institutions ends because the failure is eliminated and child has realized its right to protection, and the competent body is in a "win-win" position. Acting in this way, in individual case, competent body regained trust of those for are the reasons of their existence and it removed all possibilities for repeating such mistakes.
However, situations are not rare when competent authority at the request of the Institution, fully aware that they have made violation indicated in the complaint, give number of justifications, even in situations when on a request of Ombudsman for Children they are eliminating violations that Institution has indicated.

"The school board reverses its decision on expelling student xx in a way that it adopts complaint .... but for human, educational and pedagogical reasons, and not for reasons stated on the record ...". Stated explanation that complaint has been adopted for human reasons caused further dissatisfaction "as a parent and a citizen, I fully express my concern and dissatisfaction with the explanation stated in the aforementioned act and with stand of the school board that underestimates and discriminates not only higher authorities but also us ordinary citizens."

Citizens’ complaints that indicate the violation of children’s rights on any basis, obliges Institution to act in accordance with the legally prescribed authorities. The first step is to make complaint to the competent body. Cooperation of competent bodies with the Ombudsman for Children is their legal obligation that leaves no room for assessing whether and in what period of time they should submit requested information, documents and similar.

In the reporting period the most of competent bodies on demand of the Institution has submitted their responses and the required documentation within the deadline.

However, the biggest problem represent situations when received answers do not give answer to the raised questions, thereby not only that such responses delay initiated processes, but also they diminish the possibility of providing adequate support and assistance to the child. These situations we usually have in procedures of determining right to a contact and implementing the right of a child to a contact with a parent child does not live with. Received explanation of the process very often are not give answer to the party or Ombudsman for Children, because in a given period Center has not responded in a respective administrative act. Reactions of subjects of protection are also present in the way that, for example, in the case of reported violence against children they inform Police. Such reaction is not the answer to their legal obligation to take necessary measures related to the protection of children within their jurisdiction. Filing report to the Police is only one of the obligations, and sit does not relieve competent authority of the obligation to act in accordance with their legally prescribed authorities (initiating disciplinary proceeding against the perpetrators of violence that is employed by the institution, taking measures of family legal protection to protect the interests of the child, etc...).

Complaints are not only about decisions of the competent bodies that have been passed in discordance with the law and prescribed procedures. They are not always about the application which indicates that the decision of the competent authority is not made in accordance with the law and defined procedures. Frequent are situations when citizen feels powerless because of the inadequate response of the first addressed institutions (citizen did not receive a response to the request submitted, they have informed him that they are not competent and/or should contact another institution), such citizens submits complaint to the other institution, and often same complaint is being delivered to number of different institution.

1 Case number: 173-14-PZ/13
2 The Law on Ombudsman for Children, „Official Gazette of Republic of Srpska”, number 103/08, 70/12, Article 11. – All government administration bodies, or local community services, as well as all legal and physical persons that perform tasks related to children are obliged to provide Institution with the insight to in all data, information and acts that relate to rights and protection of children, regardless of the level of their secrecy, except when it is against the law.
Common for protection of almost every right of a child is a presence of lot of participants, each within its authority, whose obligation is not only to detect violations of the rights of the child, but to act in accordance with its mandate. If only one of the subjects of protection does not respond promptly and adequately, the consequences for the child can be very difficult and long termed. Therefore, the Institution constantly emphasizes the importance of communication between different services that provide protection of the rights of the child, in order to ensure the engagement of all services, to provide a multidisciplinary approach to child protection, to eliminate the transfer of responsibility from one to another service of protection and to eliminate situations where all have been working, and at the end child did not receive the necessary protection.

In accordance with the legally prescribed authorities to monitor the compliance of laws and other regulations of the Republic of Srpska related to the protection of children's rights, the Institution emphasizes the need for harmonization of the laws with the requirements of the Convention on the Rights of a Child and passing of the normative acts prescribed by the law.

Every complaint that indicates the violation of the rights of a child requires examining of whether the issue is normatively regulated and is it normatively in accordance with the basic principles and requirements of the Convention. If system solutions in certain areas are not adequate, if incomplete or incomprehensible, if they leave room for different interpretations and its application in practice, than all stated requires a reaction in sense of eliminating defined weaknesses that lead to violations of the rights of the child. The Institution has submitted the biggest number of recommendations to the Ministry of Education and Culture related to above stated problem and intention of these recommendation is to have these issues solved in unified way because these issues are very important for the education system in a whole and schools can not be left to deal with those issues on their own based only on their their normative acts.

In the process relieved of numerous formalities, the Institution quickly establishes contacts with relevant institutions and agencies, and citizens that indicate the violation of children's rights on various grounds. More and more competent bodies address Institution with the initiative that certain topics are actualized and to create the systemic approach towards them because the existing solutions do not give the expected results.

Even though the authorities of the Institutions are clearly defined3 by the Law still high expectations are laid over the Institution in the sense that it may pass or modify a decision of the competent authority. Another obligation of the Institution is to refer citizens on the institutions of system responsible for certain issues, where and how to file an application, and give legal advise for the given case. Consistent implementation of the laws related to the protection of the rights and interests of children must be provided by bodies and service within their authorities and the Ombudsman may propose them to take measures for preventing harmful actions and warn them of irregularities in the procedure, as Institution has done by giving recommendations to the competent institutions.

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3 The Law on Ombudsman for Children, Article 5. - follows compliance of legal acts and other regulations in Republic of Srpska which are related to rights of children with paragraphs of Constitution of Republic of Srpska, UN Convention on the rights of the child and other international documents which are related to protection of rights and interests of children, follows implementation of obligations of Republic of Srpska which come from Convention of United Nations about children’s rights and other international documents which are related to protection of rights and interests of children, follows implementation of all acts related to rights and interests of children, follows violation of rights and interests of children, advocates for protection and promotion of rights and interests of children, suggests undertaking of measures for protection and promotion of rights of children, as well as blockage of harmful acts which endanger rights and interests of children, informs public on children’s rights state and undertakes other activities adopted by this legal act.
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 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.

The report provides an overview of the work for the year 2013, the number and types of complaints and proposals for improving care in different sectors, cooperation with children and other institutions and organizations in order to improve the system of care.

What is indisputable is that in the last few years we have better visibility of children and their needs, as well as greater awareness of the society about the importance and specificity of protecting the rights and interests of children.

In certain areas significant progress has been made in protecting the rights and interests of children, not only in the normative part, but also in increased sensitivity of all subjects of protection in this area. This is related to the protection of the rights and interests of children who for various reasons come in conflict with the law. The new Law on Social Protection is a contribution to improving the protection of children on different grounds as it significantly expanded the circle of people - children, beneficiaries of social protection and it provided that children whose rights are violated on different grounds (child victims of trafficking and violence besides other categories of children) implement their social protection rights, primarily the right to psychosocial assistance and support.

Shifts are made (changes and amendments of the Criminal Code, the signing of the Protocol on the Proceedings in Cases of Violence, Abuse or Neglect) in the protection of children from various forms of violence, abuse and neglect. Given the short period of time in their implementation, it is too early to speak of sensitiveness of the protection institutions, primarily in recognition of the different forms of violence, abuse and neglect, but also in providing support and assistance to a child victims and determining the responsibility of the perpetrators.

Applications Institution was acted upon in the reporting period relate to almost all areas of children's growing up. However, in the most cases, the applications indicate the vulnerability of children in proceedings of separation of married and common-law partners, the inadequate protection against any form of violence, and the various problems of the implementation of children's rights in the educational system.

As in was stated in the previous 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 act in accordance with decisions of competent body. Taking in account the number of children that each year are exposed to different stressful situations in these proceedings, efficient procedural mechanisms of competent bodies and ongoing monitoring of their proceedings are necessary.

Violence, abuse and neglect children are exposed to, occurrence of it in various forms, is not recognized in all its forms, so there is no appropriate response of relevant services in

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4 UN Committee for the Rights of the Child, 2012 Concluding Observations and Recommendations. Point19
5 UN Committee for the Rights of the Child, General Comment number 2. The role of independent institutions for human rights, Point 1.
providing support and assistance to the child nor in initiating procedure for determining liability of the perpetrators.

Still present but not that accented as in the first two years of work of the Institution are loud reactions and questions on children’s responsibilities, and why the emphasis is not on their responsibility. Here completely forgotten is that the given rights, children have by birth and those rights represent basic needs for 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.

The report indicates the need for system measures and activities in different sectors in order to strengthen the child protection system in a whole. 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. The Institution stressed the need to adopt a long-term strategic document in its Annual Report for 2010. In Conclusion of the Government of the Republic of Srpska from December 5th, 2013, it has instructed the competent ministries responsible for development to create 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 (before Center for Social Work realization of the right to contact for a child and a parent with whom child does not live with lasts for six, seven years), and the question of child support are just some of the issues that demand changes and amendments to the Family Law. In addition, the Strategy to Improve the Social Protection of Children without Parental Care for period 2009-2014 and the Family Development Strategy of the Republic of Srpska for period 2009-2014, have defined as the main strategic goal 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 to, by making amendments to the law, among other things, define: the rights and obligations of students, not only the question of their responsibility and not in the way that the school is left to regulate issues defined by the law by its normative acts, the question of teaching assistants, and that the prevention programs are an integral part of the curriculum. The Institution has submitted to the competent ministry its opinion on the proposed changes and amendments to the Law.

- 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

6 Initiative for Adoption of a long-term strategic document for children, Number 1538/10, dated December 29th, 2010
few years after the law has been enforced these normative acts are not adopted, what puts in a question the exercise of the rights prescribed by the law.

**- Signing of a new Optional Protocol to the Convention on the Rights of the Child**

The new Optional Protocol to the Convention on the Rights of the Child on the procedure of addressing has been adopted by the UN General Assembly on December 19th, 2011. The Protocol was signed in Geneva on February 28th, 2012 and thereby was open for signature and ratification by UN member states. The new Protocol refers to the procedure of submission of request to the Committee on the Rights of the Child, which enables individuals, groups or third parties to submit on their behalf a request to the Committee on the Rights of the Child in cases when national systems fail to provide adequate protection of the rights of the child.

The new Protocol is a new guarantee and more efficient mechanism of protection because it affirms child as a subject of rights and allows for the first time its protection at the international level, so it is very important for Bosnia and Herzegovina, by signing the Protocol, to enable this form of protecting children internationally. The Protocol was signed by 45 states and 10 countries have ratified it, so conditions for its enforcement have been created.

**2. UN Convention on the Rights of the Child**

UN Convention on the Rights of the Child\(^7\) 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. The Convention is an expression of the need to provide children with special protection and care, because the current system of protection of the rights and freedoms of citizens at the international level was not sufficient guarantee in protection of the rights and interests of children.

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.

The 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 the protection, as a person who is entitled to its human rights.

The rights of the child, as the Convention defines them are only the needs of each child on his way to adulthood. Obligation of adults is to ensure the child such protection and cares as it is necessary for child’s well-being, bearing in mind that:

- Each right under the Convention is basic right and of same importance, and rights must be seen in mutual correlation,
- Rights can not be ranked according to their importance,
- Children have rights just because they are children,
- Children cannot be deprived of their rights because they did not deserve them.

Confirming 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.\(^8\)

\(^7\) Adopted at General Assembly of UN, November 20th, 1989
\(^8\) UN Convention on the Rights of the Child, Article 18
Convention stipulates that parents and others responsible for the child have the primary responsibility, within their abilities and financial capacities to provide the living conditions necessary for the child's development. This right of a child is not fully comprehended in the field as it can be confirmed the best in the cases of non-payment of alimony for a child, so care for development and growth of a child is on the parent with whom the child lives, regardless of parent's actual capabilities. Inadequate response towards parent who on this basis neglects his/her child and abuses it, in practice it is not recognized as a threat to the child's development and growth.

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, taking into account the rights and duties of his or her 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 realization of all the rights prescribed by 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 states that, in the context of the Convention, States must see their role as obligation to fulfill clearly stated legal obligations towards each child. Realization of human rights of the child should not be seen as charity work or expression of grace.

For the implementation of children's rights and especially for their protection, according to the Convention, prerequisites are 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, of course, 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 in case of non-compliance there are.

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

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9 UN Convention on the Rights of the Child, Article 4.
10 UN Committee for the Rights of the Child, General Comment 5. General measures for implementation of Convention
identify and explain the best interest of the child, keeping in mind child’s opinion and attitude about it.

The effective implementation of the Convention requires continuous coordination not only within the same service but also between different service sectors and at different levels, so consistent application of the Convention in all procedures for protecting 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. Information children should get in schools and from their earliest age.

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, which is not a list of good wishes and good 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 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, consisted of independent professionals and experts, 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 in Member States.

Committee on the Rights of the Child verifies whether and to what extent the advances have been achieved 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 that great concerns regarding the application of the Convention, and it made quite a few recommendations to Bosnia and Herzegovina to make find system solutions for improvement of the position of children.

The Council of Ministers of Bosnia and Herzegovina on its 105. session held on November 18th, 2009 has adopted the First Periodic Report of Bosnia and Herzegovina on the implementation of the Convention on the Rights of the Child, which on February 11th, 2010

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11 UN Convention on the Rights of the Child, Article 43.
12 UN Committee for the Rights of the Child, 2005 Concluding Observations and Recommendations

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was renamed in the Combined Second, Third and Fourth Periodic Report of Bosnia and Herzegovina on the implementation of the Convention on the Rights of the Child and the Council of ministers has submitted it for consideration to the Committee on the Rights of the Child. Since given deadline for delivery of report as prescribed by Article 44. of the Convention was not respected, Bosnia and Herzegovina has renamed its first report as The Second, Third and Fourth in order to meet requirements defined in Article 44., Paragraph 1. of the Convention.

After examining the report of Bosnia and Herzegovina, the Committee again gave a number of recommendations 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.

3. 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 economic 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.

Nowadays present are numerous classifications of children's rights on various grounds. The goal of classifications in theory and in the practice is primarily to facilitate collection of information about the rights of the child, monitoring of the implementation of the Convention and monitoring the implementation of accepted obligations. Regardless of the grounds used for classification, it is done for the practical reasons, and it does not question the widely accepted view that the rights of the child are inseparable. The actual separation of children's rights is impossible, because the rights are mutually conditioned and intertwined, so if one right is not fully implemented it simultaneously jeopardizes many other rights of a child.

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 assume

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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 in practice present are many other classifications such as, civil, political, economic, social and cultural rights or rights to development, rights to participation and rights to protection, or they are stated as preventive, participatory and protective rights.

4. Statistics on children

Strengthening child protection system and its harmonization with international standards requires, among other things, the establishment of a comprehensive database that is an essential part of the implementation of Convention and it includes data on children who are classified covering all phases of children's growing up. UN Committee emphasizes the importance of having comprehensive and current quantitative and qualitative data on all aspects of early childhood and children coming form vulnerable groups.14

Examining the 2005 Initial Report of Bosnia and Herzegovina on the rights of the child, UN Committee on the Rights of the Child has expressed many concerns regarding the application of the Convention, and it has sent recommendations to Bosnia and Herzegovina related to the collection of data on children.

Examining the new report of Bosnia and Herzegovina in 2012, the Committee remains deeply concerned about the lack of statistical data related to implementation of the Convention and a clear division of responsibility for collection, consolidation and analysis of data and it reiterates its previous recommendation to the State to urgently develop an coordinated system for comprehensive data collection that should have to "cover" all children under the age of 18 and to classify that data in groups of children based on their need of special protection.15

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.

Unfortunately, there are no combined data serving as indicators of the presence of phenomena and problems in various sectors. Institutions and services that have jurisdiction to act in a variety of procedures to protect the rights of children have their own records, but those records do not merge at the national level, and therefore there is no analysis of such data. Constant monitoring of the occurrence of peer bullying in schools, analyzing data collected from the schools, pointing to good practice in certain schools would improve the system of child protection, made competent services more responsible and it would determine future activities related to child protection. The lack of sensitivity to this type of problem in some schools, statements of certain schools that during the school year they did

14 UN Committee for the Rights of the Child, General Comment 7/2005, Implementation of rights of a child in early childhood
15 UN Committee for the Rights of the Child, 2002 Concluding Observations and Recommendations, Point 18. and 19., Data Collection, Point 17. and 18.
not have any case of peer bullying and similar, represent the obstacle for improvement of conditions of children rights in B&H. Peer bullying is just one segment, and statistics should be related to the implementation of the Convention in a whole.

The Republic Institute for Statistics of Republic of Srpska, as well as the Ministry of Health and Social Protection and Ministry of Internal Affair, in the last few years, in many areas gave particular importance particularly to the indicators that are related to the child protection system. However, indicators of the Republic Institute for Statistics usually relate to the category of children aged 15-19, what at the end does not reflect real situation in category of children.
II  ACTING UPON COMPLAINTS – APPEALS

In 2013 Institution has acted in total of 652 cases, and out of this number 578 cases were complaints indicating violation of children’s rights on different grounds, 37 were complaints from 2012 and 37 were cases initiated ex officio.

If number of complaints received in the reporting period (578) is compared to the number of complaints received in previous reporting periods (in 2012 there was 464 complaints and in 2011 that number was 376) 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 49 cases that relate to the above stated.

In reporting period over 1700 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 what of course is not in Institution’s mandate.

In reporting period, the Ombudsman for Children was contacted by a 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 request of colleagues from the Ombudsman institutions from Vojvodina and Montenegro, and likewise requested from the Ombudsman Institutions from Serbia, Croatia and Vojvodina to act in certain cases that are under their jurisdiction.

The institution in the reporting period 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 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.

Complaints received do not only indicate a violation of children’s rights in concrete case. The good thing is that children by addressing the Institution also make proposals on what to do in certain situations, usually at school, and how those situations can be solved. Institution is being addressed by entire homeroom, for example. "... We write to you on behalf of

16 The Law on Ombudsman for Children, Article 6.
Encouraged by specific activities of the Institution, parents who are the members of school Parent Councils and who have recognized the need of greater engagement of the parent Council in schools on different issues have contacted the Institution.

The institution acting

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<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>Complaints - received</td>
<td>578</td>
</tr>
<tr>
<td>Ex officio complaints</td>
<td>37</td>
</tr>
<tr>
<td>Complaints taken over from 2012</td>
<td>37</td>
</tr>
<tr>
<td>Recommendations</td>
<td>18</td>
</tr>
<tr>
<td>Opinions</td>
<td>4</td>
</tr>
<tr>
<td>Initiatives</td>
<td>2</td>
</tr>
<tr>
<td>Special Reports</td>
<td>4</td>
</tr>
<tr>
<td>Cooperation with children and educators of children about rights</td>
<td>49</td>
</tr>
<tr>
<td><strong>In total:</strong></td>
<td><strong>729</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Year</th>
<th>Complaints</th>
<th>The total number of cases</th>
<th>Number of children who complained</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010</td>
<td>201</td>
<td>258</td>
<td>9</td>
</tr>
<tr>
<td>2011</td>
<td>376</td>
<td>451</td>
<td>43</td>
</tr>
<tr>
<td>2012</td>
<td>464</td>
<td>601</td>
<td>50</td>
</tr>
<tr>
<td>2013</td>
<td>615</td>
<td>729</td>
<td>58</td>
</tr>
</tbody>
</table>

1. Complainant

Similar to the previous period, the applicant is usually one of the parents who usually indicate to a violation of personal rights of a child. In reporting period, 416 parents have filed complaint to the Institution (in 2012 this number was 286, in 2011 it was 190 and in 2010 the number was 135) what is a significant increase compared to the previous period.

The number of children who have submitted applications to the Institution for the violation of their rights is on rise. In reporting period 58 children made an application to the Institution, (50 children have submitted applications in 2012, 43 in 2011, and 9 in 2010).

In their complaints children indicate the violation of their rights on different basis and in different form 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.
Very often media indicate cases of child abuse.

Institution has acted upon number of anonymous applications that had sufficient number of elements that called for investigation of the stated. Number of anonymous reports from 5% in 2011 was reduced to 1.9% in 2012, and in 2013 it was additionally reduced to 1.8% what is an additional indicator of trust given to the Institution.

2. **Complaint points to the following violations of the rights of the child**
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 is reduced to 35% (in 2010 it was 49%, in 2011 - 43.6% and in 2012 - 43.3%) violation of personal rights remain the most represented violation in this reporting period.

The largest increase in the number of reports indicating violation of children's rights refers to the educational rights of children on various grounds, from 5% in 2010 to 17.4% in 2011, 19.8% in 2012 and 31.1% in 2013.

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.

Unfortunately, out of the total number of complaints that indicate the violation of personal rights of the child, over 70% of complaints are related to the child's right to protection from violence, abuse and neglect, and rights related to personal relations and direct contact with the parent they do not live with (arranged visitation-passing decision, modification of existing agreement, enforcement of decisions and agreements, handing over the child).
3. **Number of children**

Children whose rights, according to the received complaints, are violated is very hard to express. Institution’s statistics indicators are based only on the 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 is conducting a research, as it is research related to the exploitation of children on the Internet in this reporting period, 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 a complaint, and the statistics indicate it as the violation of the right of one child.

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, noting that this is much more pronounced in 2013. Received complaints that indicate the violation of the rights of the child in 30.8% of cases are related to children 6-10 years of age (in 2012 this number was 21.2%). If we also take in account the category of children under age 5 represented with 15.5% in Institution’s statistic, then this data confirms that almost half of complaints received by Institution, is related to violations of the rights of children under the age of 10.

This category of children is entirely dependent on their parents. If the child's age is linked to data on divorces, the period of their life when divorces when they occur, what consequences they leave on a child, than it is clear that in the divorce proceedings the rights of children in this age group, grounded on various basis, is questioned.

Based on the certain number of complaints received in the reporting period it was not possible to determine the age of children (unknown - 17.9%) because it was not stated in complaint, although this number has decreased compared to the previous reporting period (in 2012th - unknown age of a child 23.3%).

5. **What is the gender of children?**

From the applications received in the 2013 it is noticed that boys are more exposed to situations that lead to the violation of their rights (310) or 46.6% as compared to girls (289) or 43.3%. In reporting period of 2012, application in same regard indicated boys with - 43.8% and girls with - 43.0%.
When it comes to the gender of children, in 2011 data it was indicated that number of boys whose right were violated was 39% while the number for girls was 32%, and in 2010 percentage of boys whose rights were violated was even higher (48%).

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").

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 (to be exact in 223 cases), to provide the answer on actions they have taken in regard to violations indicated, which in final represents 36.3% of cases.

Since the number of complaints related to the educational rights in the reporting period has been significantly increased, likewise the number of complaints submitted to the educational institutions is increased and it represents 24.9% of the cases. Complaints made on schools the most commonly relate to the questions of discipline and proceedings in this regard, peer bullying, assessment of student’s knowledge, etc...

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

The most complaints were submitted by citizens in person (215). Somewhat smaller number of citizens have send it by mail (189), yet compared to the last year (92) this number has been significantly increased, and there is an increase in number of complaints received by e-mail, in 2013 there were 71 complaints submitted by e-mail, or 11.5%, and 40 in 2012, or 8.6%.

<table>
<thead>
<tr>
<th>Complaints</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Solved</td>
<td>502</td>
<td>77.0%</td>
</tr>
<tr>
<td>In procedure</td>
<td>150</td>
<td>23.0%</td>
</tr>
<tr>
<td>Total</td>
<td>652</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

Out of the total number of applications - complaints received that indicate the violation of the rights of the child on different grounds on which the institution was acting upon in the reporting period, 502 or 77% were solved, and 150 or 23.0% are in procedure.

<table>
<thead>
<tr>
<th>Out of 502 solved complaints:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Unfounded</td>
<td>46</td>
</tr>
<tr>
<td>Non-competence</td>
<td>21</td>
</tr>
</tbody>
</table>

Out of the total number of solved complaints 502, in 46 cases the complaint was unfounded (9.2%), and in 21 cases the Institution was not competent to proceed (4.2%).
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, 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.

For the purpose of guaranteeing and promoting the rights in this Convention, State Parties shall provide appropriate assistance to parents and legal guardians in performing responsibilities for the upbringing of a child and they will ensure development of institutions, facilities and services for protection of children.

The earliest age of child development is the period of the most intense parental responsibilities focused on the growth and development of a child. Unfortunately, the complaints received by the Institution (statistics of the institutions for the last three years) show that children under age 10 are the ones most exposed to situations that lead to the violation of their rights.

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. Parents can not renounce their parental right, but such right they can be deprived of in cases prescribed by the law.

The right of a child to live with their parents may be denied only in exceptional circumstances when the interests of a child demands that and when it is proven in appropriate procedure.

At the same time, parents are experiencing their parental right as a right, and not as an obligation and responsibility towards children, which most often is expressed in divorce proceedings.

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, especially for children, but even when all authorities completed their part of the work children deal with the consequences that directly affect their development and growth.

According to statistics indicators 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. At the same time, there is increasing number of children who suffer the consequences of divorce. This number in 2012 has doubled in comparison to 2010.

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17 UN Convention on Rights of a Child, Preamble
18 UN Convention on Rights of a Child, Article 18.
19 The Family Law, „Official Gazette of Republic of Srpska“, number 54/02 and 41/08, Article 81
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Concluded marriages</strong></td>
<td>5767</td>
<td>5802</td>
<td>5326</td>
</tr>
<tr>
<td><strong>Divorced</strong></td>
<td>517</td>
<td>886</td>
<td>878</td>
</tr>
</tbody>
</table>

**Divorced marriages lasted:**

<table>
<thead>
<tr>
<th></th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than a year</td>
<td>17</td>
<td>32</td>
<td>17</td>
</tr>
<tr>
<td>1 year</td>
<td>37</td>
<td>49</td>
<td>42</td>
</tr>
<tr>
<td>2 years</td>
<td>27</td>
<td>55</td>
<td>44</td>
</tr>
<tr>
<td>3 to 4 years</td>
<td>78</td>
<td>122</td>
<td>114</td>
</tr>
<tr>
<td>More than 5 years</td>
<td>358</td>
<td>628</td>
<td>661</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td>517</td>
<td>886</td>
<td>878</td>
</tr>
</tbody>
</table>

**Ratio of divorces and number of children**

<table>
<thead>
<tr>
<th></th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 child</td>
<td>149</td>
<td>215</td>
<td>247</td>
</tr>
<tr>
<td>2 children</td>
<td>78</td>
<td>174</td>
<td>179</td>
</tr>
<tr>
<td>3 and more children</td>
<td>13</td>
<td>21</td>
<td>33</td>
</tr>
<tr>
<td>No children</td>
<td>271</td>
<td>384</td>
<td>419</td>
</tr>
<tr>
<td>Unknown</td>
<td>6</td>
<td>92</td>
<td></td>
</tr>
<tr>
<td>Estimated number of children</td>
<td>344</td>
<td>626</td>
<td>704</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td></td>
<td></td>
<td>1674</td>
</tr>
</tbody>
</table>

If we take into account that there is very small number of mutually consent divorces, where there is agreement between parents on all matters related to a child’s growing up, (defined visitations and contact with the child, education, travel, alimony ...), than it is clear that all the others have requested intervention of the relevant services, who are expected to regulate such a sensitive issue and intervene in the personal relationship between parents and their children. According to the data of Ministry of Health and Social Care in 2012, 520
requests were filed for maintaining personal relationship of a parent and a child. Regardless of whether these cases, in the procedure before competent social service, are closed with agreement or center’s decision, for many, trouble just begins because, in practice, neither agreement nor decision of competent social service center is implemented.

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

UN Convention on the Rights of a Child defines the obligation of Member States to respect the right of the child who is separated from one or both parents, to maintain personal relations and direct contact with both parents on a regular basis, except if it is not in accordance with the best interest of a child.21

Under the Family Law: Article 93 (1) 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. If such an agreement is not reached, decision is made by the guardianship authority. (2) The authority of guardianship can organize methods of maintaining personal relationships of parents and children, if required by changed circumstances. (3) Maintaining a personal relationship of parents with their children may be restricted or prohibited only to protect personal and other interests of the children. The guardianship authority is obliged to take all necessary measures for protection of personal and property rights and interests of a child (Article 94).

According to the Ministry of Health and Social Welfare in 2012, 520 requests were filed for maintaining personal contact of a parent and a child, (in 2011 filed were 518 requests, in 2010 this number was 512). Out of the total number of requests submitted in 2012, 343 cases were solved by agreement, and for 123 requests decision was made (in 2011, 292 requests were settled by an agreement, and in 176 cases the decision of the Centre for Social Work was made).

Ministry of Health and Social Welfare data speaks of the number of applications submitted and the manner of their resolution, but not about their implementation. Complaints-applications received by the Institution indicate not only the presence of a violation of children's rights in this respect, but every time they point out the new ways of disabling children of their right to both parents, regardless of whether the request is solved by agreement of parents or by decision of center for social work.

Compared to previous reports, complaints received during the reporting period show dissatisfaction of complainants with the proceedings of employees in some centers for social work and their lack of professionalism in handling such cases, this is associated with the duration of the procedure. The most complaints that indicate the violation of children's rights on this basis, refers to the proceedings before the Centre for Social Work Banja Luka.

Experiences in the work of the Institution show that the problems related to the implementation of children's rights to contacts and visitation with the parent they do not primarily live with are present on many basis; proceedings before the Centre takes a very long time and for that time contact of a child and parent child does not primarily live with is not ongoing, reached agreement and/or Center’s decision is not respected because there

21 UN Convention on Rights of a Child, Article 9
are always some new requirements for allowing contact and center does not have a way to ensure implementation of children's rights in these proceedings.

In a situation where the child is deprived of maintaining a personal relationship with a parent, there is no place for postponement and delays in the activities of the authorities. The passage of time is the biggest obstacle for the realization of this right, therefore, relevant to this fact, taken measures of guardianship authorities must be efficient and timely, and the use of repressive measures against the parent who prevents contact of a child with the other parent, can not be completely excluded. 22

a) Social work centers do not make decisions in a legally specified period

Social Service Center procedure on passing decisions that regulates contact of a child with the parent with whom the child does not live lasts too long.

Although the law prescribes that the competent authority should pass decision within 60 days from the day complaint was submitted, 23, in cases processed by Institution, competent bodies have not made a decision within the legally set deadline.

In complaint submitted to the Institutions, parent states that the request to the guardianship authority for change of decision on existing methods of maintaining personal relationships with minor children was submitted on January 3, 2013. On request of the Institution, the Center for Social Work on May 10th, 2013 has delivered its response indicating that it is a specific and very complex case and that decision making is in progress. The decision was made on May 27th, 2013.

In its complaint submitted to the Institution parent stated that on July 13th, 2012 he/she has filed a motion to amend the existing decision on arranged visitation and contact with the children, and that decision is still pending. In a reply submitted to Institution by Centre for Social Work it is stated that the decision was passed on April 30th, 2013.

b) Centers for Social Work in a certain number of cases do not proceed in accordance with the lawful deadlines outlined in instruction of second instance authority

Party has the right to appeal on a decision on maintaining contacts passed by guardianship authority. Very often when decision passed by First Instance Guardianship Authority is reviewed by the Second Instance Guardianship Authority, within legally defined period of time, such decision is annulled and returned for retrial. In retrial procedure competent center is obliged to act upon instruction of Second Instance body and pass a new decision in prescribed period of time.

In one of the cases Institution has acted upon 26 - by decision of Ministry of Health and Social Protection passed on August 27th, 2013 decision of the Centre for Social Work was annulled and the case was sent for retrial. In the explanation it is stated, inter alia, "that by the

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22 European Court for Human Rights Decision, 39177/05 dated March 13th, 2007
23 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."
24 Case number: 28-2-PZ/13
25 Case number: 715-62-PZ/13
26 Case number: 1599-130-PZ/13
passive behavior of center only children are “sanctioned ” because they are deprived of a relationship with their father, in subject administrative proceeding numerous facts have been undetermined... questions need to be process based on findings of professionals (professional opinion of a psychologist for both parents and both children, findings of a social worker, if existing opinion of teachers or kindergarten teachers, observation of contact of children and their father in the premises of the guardianship authorities).”

Unfortunately, a number of centers in the process of making a new decision fail to comply with the given instructions of the legal deadlines. In this particular case, based on decision passed by the Ministry of Health and Social Care as a second instance body, competent Center did not act upon this second instance decision even four months later.

Additional problems are situations where competent center in the repeated procedure passes the same decision. Parent again makes complaint on the new decision and feeling of “vicious circle ” is continued. Such actions certainly concern and question protection of the rights and interests of children.

c) Guardianship authority does not take legal measures against the parent who prevents the realization of the final decision

By decision of the Centre for Social Work from July 27th, 2012 regulated is contact of children and parents, but even in 2013 it has not been implemented. On several occasions, with assistance of Police, Center has been directly involved in attempt of taking over children from their father, but every attempt remained unsuccessful.

In response of a Center it is stated that "parent is abusing his parental right “, ”he took justice into his own hands “, etc. However, in despite of such qualifications of Center, any reaction to a parent who abuses its parental rights is missing, even though law prescribes the measures for such situations and at the same time it defines authority of centers in such undertakings.

d) The right of a child to contact with a parent is not implemented because of ...

In a number of cases, due to the vagueness of decision on contact arrangements, the problem arose on the place of handover and takeover of a child because the father did not want to make contact with the child who was not brought by the child's mother but her sister, or he did not want to hand over child to its grandmother since such arrangement is not prescribed by the decision.

Practical problem also is regulating contact and strictly following it in such manner, for example, every other weekend at a given time, which means that if a child is sick that day, or the parent was prevented, next contact of a child and a parent will occur in fifteen days.

The main problem in the procedures for arranging contacts of a child and a parent with whom the child does not live with, is the result of divorcing and beginning of a "fight" for a child - all activities are focused on making a decision to whom child will be entrusted for care and welfare, often with no respect for the facts and circumstances that determine the child's best interest. Completely neglected by the all participants is the fact that after making decision on entrusting child to one parent, the child still needs both parents, both parents

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27 Decision of Ministry of Health and Social Care number 11/05-544-483/13, dated August 27th, 2013
28 Case number: 75-4-PZ/13

27
have rights and obligations, and both parents have equal rights in exercising parental rights and responsibilities. (Article 79. of the Family Code)

The mechanisms of child protection in procedures of defining personal relationships generally prove ineffective and centers the main problem see in 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. 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.

Exercising the right of a child to contact and quality time with a parent they do not live with can not and must not be an issue for parent with whom the child lives. Unfortunately, in most cases it is a pattern. Such behavior of a parent with whom the child lives largely is the result of inadequate reaction of the competent services towards such behavior of a parent. In situations where it is clear that the parent unreasonably denies a child the right to contact and socializing with the other parent, sanctions against that parents should be fast and efficient, with the greatest possible level of protection of a child. In practice, there is almost no reaction of competent services towards parents who in many ways are preventing contacts between the child and the parent with whom child is not living, although the Family Code, in order to protect the child, determines a number of safeguards, including initiation of the procedure for deprivation of parental rights. If parents do not want to cooperate among themselves or with guardianship authority, nor they respect decision of the competent body made in the best interests of a child, it is clear that it is the case of child neglect and center for social work must use all available methods to prevent such behavior of a parent, actually it has to ensure implementation of children's rights in accordance with the decision of the competent body.

The rights of the child in these proceedings were injured on several grounds. Child was disabled of a proper contact and socializing with the parent they do not live with, and that will surely leave long-term effects on child’s development and growth.

In procedures for arranging contacts, there is no participation of children in a way that children express their position and state their opinions, or to take the initiative and seek change of decisions if it did not have expected results or if it is not in child’s best interest.

The child has a right to both parents, and the responsibility of unimplemented right shall be laid upon a parent who disables or obstructs it, and also same responsibility lies on the competent body that did not take all necessary measures to implement this right of a child. Of course, in proceedings where it is determined that the contacts could be harmful for the
child, i.e., it is not in the best interest of a child, the competent body, by number of proofs and explanations of the best interest of child, forbids such contact in its decision.

**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: "After the death of our daughter our grandson lives with his father, who for unknown reasons and without explanation had stopped all contact with us and since then he does not allow us to see our grandson ... based on our request, we and our son in law have been summoned to come to Centre for Social Work and have discussion. During this discussion our son in law had refused to allow our contact with the grandson and Center's representatives have told us that they have no legal power to persuade him to allow us to exercise our contact right with a child."

Based on the request of relatives for enabling and maintaining contacts with a child, procedures for having those contacts are executed in a manner that might facilitate agreement acceptable for both sides. When agreement is not reached, party that has filed request remains without final opinion of a competent body on this issue.

Eventhough Institution’s 2010 Annual Report emphasizes this problem, in this reporting period similar proceedings have occurred; Social Service Centers do not pass appropriate administrative act based on request of a party.

Absolutely unacceptable and contrary to the applicable regulations is the attitude of the Center for Social Work that "this process is not about the administrative proceedings that are conducted in accordance with provisions of the Law on Administrative Procedure and therefore there is no legal obligation to issue an administrative act.” By inspection, upon request of Ombudsman for Children in relation to proceedings of the Center for Social Work it was noted: "... By not passing decision, an appropriate administrative act, upon request of a party in period not later than two months, or at the time of inspection, Center has violated the provisions of Article 206. Paragraph 1 of the Law on Administrative Procedure, and it was ordered that within three days it decides upon request of a party, pass appropriate act and delivers it to a party."

### 3. Implementation of competent bodies’ decision

In a previous report Institution has pointed out the unacceptable practice of the certain municipalities’ Departments for General Administration to pass decision that delay administrative enforcement of decision of the Centre for Social Work until the professionals of the Centre for Social Work and the mother of the child do not prepare the child to meet with his father. Such actions of competent bodies seriously have violated the rights and interests of children.

By leaving unlimited and indefinite timeframe for Centers for Social Work to prepare a child for a contact, with no right to complain, Department for General Administration stepped out of its authority because, in this manner they are practically reestablishing the best interest of a child. The best interest of the child is already determined in the decision of a center for

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29 Case number:294-22-PZ/13
30 Information of Administrative Inspection number 10.2.1.1-050-719/13 dated may 15th, 2013
social work on arranged contacts at the moment decision become final, and municipal authorities have no authority to change it.

In the reporting period, the Institution has acted upon reports that indicate the violation of the rights of the child that are related to the non-enforcement of final decisions of the competent authorities. In a letter to the Institution's mother said: "By decision of the Center for Social Work three minor children born out of wedlock have been entrusted to me as a mother for nurture, care and education. I am asking you to help me to take over my children, because children's father in every possible way is preventing me to even see them."31

Failure of the competent authorities to act in this and similar cases leaves space for suspecting obstruction, that the "favor" was made for a father and that he, together with competent services in all possible ways prevents implementation of the final decision that is in the best interest of the child. (Defendant is a civil servant and he does not respect decisions of the other competent authorities, did not report the exact place of residence, is hiding children ... The municipal authority is stated as objectively and territorially unauthorized, the case is forwarded to other competent municipal body that asks instruction in written on how to implement decision, for the scheduled execution defendant does not appear, at the time of execution he placed children in three different locations.)

The consequence of such conduct of relevant municipal services in the implementation of Center’s for Social Work final decision is "that decision was passed on temporary suspension from duties and tasks of XX officer, the children’s father, after what he will be subject of disciplinary proceedings ", and "that the Prosecution has filed an indictment against the suspect for the criminal acts of abduction of minor child Article 205., Paragraph 1 Criminal Code of RS."32

The decision was implemented and the children were handed over to their mother, who upon completion of process has sent a letter to the Institution in which, however, she states: "I hereby thank you for the support you have given me and the understanding that you have had for me."33

Such actions of the competent municipal services only prolong the procedure that certainly is not in the interest of the child. This practice only further complicates the already difficult process of implementation. Children had no role in getting to a point of being a case before competent institution, very often they do not know and do not understand what these procedure are, and being under strong influence of one of the parents, are further confused, betrayed, and repeatedly they are put in the position to choose between father and mother, what in a long run has the long-term consequences on their childhood.

Final decisions of the competent authorities oblige both parents, and relevant municipal services can not question implementation of those final decisions. Implementation must be completed in a manner that avoids additional stressful situation for the child, "In all activities concerning children, the most important is the interests of the child regardless of whether

31 Case number:1875-133-PZ/13, case closed in November 2013
32 Case number: 1875-133-PZ/12 case closed in 2013
33 Case number: 1875-133-PZ/12 case closed in 2013
they are undertaken by public or private institutions for social care, courts, administrative bodies or legislative bodies. ”\textsuperscript{34}

It is the responsibility of the competent centers for social work to make a decision in the best interests of the child. Only when passed decision becomes legally binding, it must be implemented. In order to implement decision in the best interest of a child and to minimize the consequences that implementation might have on a child, the implementation requires adequate preparation and also adequate monitoring of a child after the implementation. Therefore, obligation of competent institutions prior to the compulsory implementation is to use legally prescribed measures of working with parents, as well as measures of sanctioning parent who disables or prevents the implementation of passed decisions, all in order to prevent the exposure of the child to permanent stressful situations. Unfortunately, the centers do not use legally prescribed authority to take the necessary measures against parents and parents use this situation and delay process of making decisions and by preventing its implementation they are buying time for ”influencing their children so they do not want any contact with the other parent.”

Of particular concern is the stand of guardianship authorities towards implementation processes where emphasized is the fact that: ”Parents are informed that they can initiate the process of implementation. However, implementation in practice is not feasible, as it was seen in other cases where Center has initiated implementation, compulsory implementation was not realized nor it had desired results.”\textsuperscript{35}

4. Child support

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 because in court proceedings obligation of parents to support their children must be proven.

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{36}

In a letter to the Institution particular mother stated: ”I am a single mother of a 14 years old child, unemployed, to this day I have not managed to achieve any kind of compensation, i.e., alimony, so my child could have more or less a decent life. In 2005 civil proceeding was initiated before the Municipal Court and it was supposed to be completed in 2011. By irresponsibility of child’s father and lack of willingness of other instances to help, my child was greatly damaged in its normal development.”\textsuperscript{37}

\textsuperscript{34} UN Convention on Rights of Child, Article 3.
\textsuperscript{35} Case number: 589-50-PZ/13 letter if Center for Social Work no.02-60253-39/11 DT dated April 26th, 2013
\textsuperscript{36} 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{37} Case number: 481-40-PZ/13
Implementation of children's rights to child support is mainly being questioned in divorce proceedings as it follows:

- **Abandoning the family, the parent who leaves cease to contribute to support of the child.** In the application to the Institution, mother said: "I am a single mother of a three years old child; I'm not able to work due to the severe illness of a child. We have no income and no one to help us. The boy's father left us when he was one year old. Alimony even once was not paid, nor did he call to hear if the child is still alive ... Therefore, I am asking you to help us if there is any possibility, as we have no where else to turn." 38

- **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. However, final decisions are not implemented, so parent who has custody over a child is forced to initiate administrative procedure, which requires additional time, technical assistance and financial resources.

- **The absence of voluntary implementation of the final decision for result has initiation of administrative procedure.** For many, the problem only arises because failing to comply with decision, collection of receivables must be sought in the administrative proceedings To submit proposal for implementation, party must know the exact address of debtor, what, very often, is a problem, such party must know if and where debtor works, and if debtor does not work in proposal party must state from which movable and immovable assets of a debtor such party requeris payment. Imposibility 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, prevents many applicants to file proposal to the court. If, by any chance, in such 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. In addition to numerous problems in the administrative procedure there are also situations where administrative procedure is not initiated or procedure is suspended because party could not pay prescribed fee, what was confirmed by court’s letter: "By the conclusion dated July 9th, 2013 bailiff was ordered to come to the site within 60 days for inventory and capturing of movable assets of the defendant, and plaintiff was ordered to pay the sum of 50 KM. Since plaintiff did not pay stated amount, on October 18th, 2013 the court made decision on suspending implementation." 39

- **Avoiding paying alimony is a criminal act.** The right to alimony is secured by criminal and legal protection, i.e., there are legal grounds for prosecution of a parent who does not respect his/her obligation to pay alimony and support a child. Besides providing protection of children's rights mechanism of legally enforcing this obligation also has a broader social interest.

"We inform you that the Banja Luka District Prosecutor's Office filed an indictment against XX because of committed criminal act of avoiding to pay child support based on Article 210. Paragraph 1. of the Criminal Code of the Republic of Srpska." 40

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38 Case number: 875-71-PZ/13
39 Case number: 1362-108-PZ/13
40 Case number: 414-33-PZ/13
Unfortunately, in practice, the obligation to support the child by the parent with whom the child does not live, usually ends up as a court procedure. Court proceedings take time, and sadly, for that time, child is usually deprived of child support that parents who abandoned him/her should pay. An additional problem is that passed court decision does not solve their problem after even several years later.

According to the Family Law, obligation and right of parents is to protect their minor children and to provide care for their life and health, their primary responsibility is to support their children, and in implementing this obligation parents must use all possibilities. The law also stipulates that parent grievously neglects his/her parental right, if he/she does not provide care for a child with whom he/she does not live with more than a month or such parent fails to comply with the measures prescribed by competent body on protecting rights and wellbeing of a child. For stated reasons a parent may be deprived of parental rights. However, even in these situations obligation to support the child dies not cease.

The Law determines the authority of the Centre for Social work to submit, on behalf of a child, motion for execution to the competent court. Unfortunately, practice shows that the social work centers hardly ever use their legal authority for initiating the procedure. An additional problem is also that centers do not use their authority to take measures against irresponsible parent, so problem of child support usually remain a problem of a child and the parent with whom child lives. This is confirmed by the data of the Ministry of Health and Social Welfare, where for year 2012 five parents were deprived of parental rights, and the number of proceedings initiated by guardianship authority for termination of parental rights is 11.41

Non-payment of alimony is legally sanctioned as a criminal act; not providing alimony for a child is considered as child neglect and violence against a child. 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, as it is the case in the practice. 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 in this respect.42

Existing problem does not only jeopardize the child and his daily needs, but also his 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 even though parent has the obligation and responsibility to provide support for his/her child.

The right of a child to child support does not depend on the status of the marriage of his parents, whether the parents are married or not, whether they live together or not, or the child was born in wedlock or not, the obligation of child support is obligation of both parents.

41 Ministry of Health and Social Care, 2012 Report
42 According to data of Prosecutor’s Office Banja Luka, in 2013 this Prosecutor’s Office has been submitted 77 reports that are based on Article 210. and 24 reports based on Article 207. of the Criminal Code of RS
of a child. Disputable relationship of spouses, usually, for consequence has non-execution of legal obligation of child support.

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.

Parents in their applications state that they were "told" to come to the Center for Social Work for family counseling, that both parents were invited to come at the same time for counseling, without the written invitation that should indicate type of proceeding that is ongoing before the center, on whose request and what is the subject of procedure. Furthermore, parents stress that, without the preliminary analysis and assessment of the capability of the parents individually, at the first meeting already the qualifications on parental skills and capabilities are made, and immediately, orally it is proposed that certain measures are taken in order to ensure contact between the child and the parent. When the measures taken by the parents, based on the oral instructions of the Center, did not have expected results, but on the contrary, they have caused the opposite effect, responsibility for the taken measures and consequences that have occurred were put on the parent.

At the same time in a response of Center for certain number of cases it was stated: "In order to improve the quality of personal contact with a minor child, we believe that counseling and therapeutic work at our family counseling center is necessary."

According to the Article 20. of the Law on Social Protection, the rights of social protection are:

1. financial assistance,
2. benefits payable for the assistance and care provided by another person,
3. sustenance in having equal opportunities for children and youth with disabilities,
4. institutionalization,
5. care in a foster family,
6. help and care at home,
7. day care,
8. one-time financial assistance and
9. counseling.

Thus, according to the Law on Social Protection that was enforced in May 2012, the counseling is defined as a specific right and users of social welfare are exercising it in the frame of the prescribed law.

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, in the event of sickness, old age, disability, unemployment, death of close persons, problems in the upbringing and relationship between
parents and children, the problem of risky behavior of children and adolescents, the problem 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. (Article 55.)

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

According to the Law on Social Protection, which became ineffective with the enforcement of the new Law, consultation was an integral part of the services provided by centers for social work. Based on the new Law, the right to consultation was defined as a specific right for all users of social protection, which, like all the other rights defined by Law, is implemented in terms and conditions as defined by the Law.

Since the Law clearly states that the consultation is carried out based on all needs of the user and individualized plan, as it is defined in agreement of service providers and users, it is indisputable that the responsibility lies on the service provider - to provide users of rights the right to counseling in accordance with the Law on Social Protection.

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.

The process of implementing rights prescribed by this Law is done based on the provisions of the law that prescribes administrative procedure, unless the Law stipulates otherwise. (Article 65.)

The procedure of implementing rights of social protection is initiated by a person or his/her legal representative, guardian or ex officio. (Article 67.)

Every "instructions" given before counseling has started may have negative effects for parents but also for children and their right to have contact with the non-residential parent. At the same time, expressing opinion on the need for counseling parent, to which parent does not respond, for the consequence has problems in relationship between parents who than jeopardize implementation of children's rights on various grounds for many years. The problem of not maintaining contact of a child with the parent with whom child does not live with, it is not a problem in itself, as it is confirmed by the statements of parents who do not pay child support, those parents can not accept that their only parental responsibilities is paying alimony. On the other side, parents who have and continuous and undisturbed contact and socialization with the child, paying alimony usually is not questioned.

Article 55. of the Law prescribes that:

(4) The Minister shall issue instructions for the implementation of counseling.

(5) Instruction stated in paragraph 4. of this Article prescribes counseling methods.

Article 149. of the Law prescribes that:

43 By enforcing this Law, ineffective becomes the Law on Social Protection „Official gazette of Republic of Srpska“, number 5/93, 15/96, 110/03, 33/08.
(2) The Minister shall, within six months from the day this Law becomes effective, adopt:
(a) Instruction for implementing consultations (Article 55. paragraph 4).

Therefore, counseling, as it is regulated by the Law, in part of improving the quality of personal contact between the child and the parent with whom the child does not live with, is extremely important not only for the implementation of this right of a child (the right to contact and socializing with the parent they do not live with), but also for other children's rights - the right to child support, passport issuance, consent for child's travel, etc., but this right can be implemented only under conditions and in a manner prescribed by the Law.

In order to eliminate situations that lead to the violation of children's rights in practice, the Ombudsman for Children has made following recommendations to:

- Centre for Social Work, to take all necessary measures that will enable counseling of users/beneficiaries of social welfare in a manner and under conditions determined by the law,
- Ministry of Health and Social Welfare to adopt guidelines for the implementation of consultation in accordance with Article 55. of this Law.

**6. Strengthening the capacities of Social Work Centers**

Within the legally defined competencies, Centers for Social Work centers have great authority and responsibility to perform all tasks related to the implementation of the rights of users, tasks that have direct impact on relieving the social need of a user or developmental activities related to the improvement of the social protection system.

Based on the increased number of requests filed to the competent centers for social work, and broader authorities centers do have by the law, the greater expectations citizens do have from social protection services.

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\(^{44}\) 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\(^{45}\), 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 despite of the increased number of employed professionals, Centers emphasize that the number employees is still low for the volume of workload, Centers are not in position to form teams of experts that act in certain areas, and they are burdened and can not respond to their work duties in legally prescribed deadlines.

\(^{44}\) Ministry of health and Social Care, Report for 2011
\(^{45}\) Ministry of health and Social Care, Report for 2012
UN Committee for the Rights of a Child\textsuperscript{46} 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.

\textbf{7. The rights of children and large families}

What is common to every family, as a fundamental and irreplaceable environment for development of a child, is providing care for a child growing up in an environment where he/she will be provided with conditions for normal development. This is additional worry for large families because the most of these families that have bigger number of family members struggles to meet the needs of their children and provide them with the necessary conditions.

According to data of the Association of Parents with Four or More Children, such associations have been registered in many local communities, receive requests for assistance on a daily basis, and they relate to the providing books and school supplies for the children, fuel for heating, support in the medical treatment, assisting children with disabilities ... Since the financial resources of the Association are very limited, their ability to support these families is close to nothing, and the only way of solving this problem they see in the systemic solutions that based on the needs of these families will be defined by policies on assistance and support to such families in different areas.

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. 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.

In accordance with the Law on Child Protection, the right to assistance for newborns parents implement for every newborn child in the family, regardless of their financial status, and the amount payable to parent is the same for all, 250. 00 KM.

Strategy on Development of the Family states that the birth of the third and fourth child should be especially encouraged with financial contributions, regardless of the financial situation of the family. According to the Public Fund for Child Protection\textsuperscript{47} data, by the means of

\textsuperscript{46} UN Committee for the Rights of a Child, Concluding Observations and Recommendations for 2012, point 46-47
\textsuperscript{47} Public Fund for Child protection date from January, 2014
of money transfer of the Ministry of Family, Youth and Sports, the financial compensation is paid for third born and fourth born child in the family in the amount of 600.00 KM and 400.00 KM respectively. In 2013 there were 1193 children born as a third child, and 211 were born as a fourth child.

By Strategy of Republic of Srpska 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, the Law on Preschool Education, and the Law on Labor. None of stated laws is not in parliamentary procedure and is not realistic to expect that any of them will be adopted during the term of the Strategy.

Strategy determines subsidizing preschool facilities for the third child, what is not implemented in all local communities.

8. The rights of children and single parent

In the development and growth of each child parents have a very important role. Every child needs attention, love and care of both parents. Today, unfortunately, many children grow up with one parent.

In a situation where there is no care of the other parent, regardless of the reasons that led to it, the parent who alone provides care for a child, also carries the burden of responsibility for each situations encountered on a daily basis. Duties and tasks that children have in school, their leisure time, relationship with peers, their health, excursions, providing conditions for normal life ... and many other issues are problems faced by a single parent.

Today, when we talk about the position of a single parent, regardless of whether it is the mother or the father, usually it is associated with the (non-)payment of child support. The problems that single parents face on daily basis are social, economic, and emotional and they can not be related only to the problem of alimony, but its nonpayment further complicates the problem and it additionally jeopardizes the child and a parent, who, for years, is trying to collect child support funds that other parent has for his/her child.

Single parent, either mother or father, has the same problem when it comes to non-payment of alimony, contact arrangement for a child and the parent they do not live, consent for travel document ... the parents' "punish" one another and use the child for getting even, forgetting the fact that by divorcing they did not stop being parents, and that divorce is their decision, on which child did not have any influence nor it could have contributed to such decision.

Today, there is no official data on the number of single parents or the number of children that is growing up under the care of a single parent. According to the data of Association "Pride" in Banja Luka, the large numbers of members are single mothers, although there are single fathers who are members of the association. In many local communities similar associations were registered, however, due to 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 and they never have received alimony funds.
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.

The burden of responsibility, fear of uncertainty and constant question whether he/she will respond adequately to all the needs of the child in addition comes into play if parent lacks the funds for basic needs of children. This burden and all related worries children grow up with is laid on them because they are aware that their parents usually can not provide even for their basic needs.

The main problem is that the majority of parents in this category have no full-time employment or a steady source of income on other grounds, what prevents implementation of fundamental rights of children, and parents are less able to provide basic living conditions by occasionally doing some jobs. The funds they manage to provide usually go for the costs of utility charges so they would not be turned off electricity, water, heating; and system of social protection does not recognize problems of these parents.

In addition to the lack of financial resources, these families need the legal assistance, psychological support, and accessibility of different services for their children. If we also take into account that a certain number of parents have children with disabilities, serious illnesses or parents themselves have serious health problems, support of social protection is necessary in rights implementation of children coming from those families.

9. Children without Parental 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.\(^{48}\)

The requirement of the Convention is an invitation and obligation to 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.

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 centers 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.

\(^{48}\) UN Convention on the Rights of a Child, Article 20.
Strategies for improving social protection of children without parental care for the period 2009-2014\(^{49}\) 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.

What was, inter alia, stated in the Strategy for improvement of social protection of children without parental care is the fact that the majority of children without parental care are placed in extended families, but centers for social work did not register these families as foster families and, moreover, these families that were entrusted with the care for a child, are not under the constant supervision of competent centers for social work.

**Foster care** - In the letter addressed to the Institution it was stated: "I have heard about the Law on Foster Care and read a lot about it, I went to the Center for Social Work, and there I was told that they cannot allocate any funds for foster care and that in our community there are no cases of foster care."

Above stated letter and other addressing to the Institution confirm that foster care yet has not taken hold as a method of providing care for children in the necessary extent. Foster care is a challenging and responsible role as it temporarily provides the child with an appropriate family environment to grow up. A child who is temporarily placed in the foster family does not end relationship with its natural family and this is a key benefit of foster care compared to other forms of providing care for children in this situation. A child keeps its personal identity and maintains contact with the family, and at the same time it gains positive experiences of family environment in another family. After a certain time, depending on the needs, the child is returned to its natural family.

Besides of having a very demanding and responsible role, foster care requires preparation of the foster parents and children, clearly defined rules and importantly it defines the need of continuous monitoring and support to those families.

According to the data of Ministry of Health and Social Protection\(^{51}\), in 2012 in the Republic of Srpska registered were 250 foster families. In 2011 this number was 198, and in 2008 approximately 150 foster families were given status of foster families all in accordance with legal procedures. It is obvious that there is an interest in this form of providing care for children. In doing so, taken in account should be that one foster family, according to the law, can take under its care no more than three children. As a special form of foster care the "Socio-educational living communities" are functioning in Banja Luka, Gradiska, Laktaši and Novi Grad.

Foster care, as an alternative care, is the answer to the needs and the child's right to life and growing up in a family for the children without biological family or whose parents are not able to meet their parental responsibilities, regardless of the reasons that led to it. Assessments of the needs of a child and the best interests of a child as well as the ability of the foster families to meet those needs are under jurisdiction of the Centre for Social Work.

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

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\(^{49}\) Strategy was adopted by Government of Republic of Srpska on September 3\(^{rd}\), 2009  
\(^{50}\) Case number: 1341-107-PZ/13  
\(^{51}\) Ministry of Health and Social Protection, 2012 Report
primarily on the promotion of foster care and benefits of providing such care of children. The Law, inter alia, finds that children up to the age of three can be placed in an institution only exceptionally, and with the approval of the competent ministry. As it is shown in the practice, children in this age group, temporarily and in their best interests need an alternative family, and to meet this need of theirs necessary are foster families for children of this age group that may provide the necessary conditions for their growing up. At the same time, the practice, unfortunately, shows that children with disabilities and children with behavioral problems need foster care as an alternative care.

Adoption – The adoption as the most complete form of the family - legal protection of children without parental care and it also provides parental right of persons who do not have biological predispositions for parenthood. It is not sufficiently affirmed nor used in the Republic of Srpska, and data of the Ministry of Health and Social Protection confirms it over the last few years.

According to the data of Ministry of Health and Social Protection\(^52\) in 2011 in the Republic of Srpska 301 request for child adoption was filed. Out of this number, a total of 29 requests were implemented and 19 were full adoption, 8 were partial adoption (Family Law of Republic of Srpska, "Official gazette of RS", number 54/02 and 41/08, Article 150.) and 2 international adoptions. Although modest, these data are indicators of improvement compared to the previous period (2005-2008) when, on annually on average, there were 20 adoptions.

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.

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\(^53\). 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 \(^54\); 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 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,

\(^{52}\) Ministry of health and Social protection, 2011 report
\(^{53}\) Family Law of the Republic of Srpska, Article 145-174
\(^{54}\) Family Law of the Republic of Srpska, Article 157.: Only children up to age 5 could be fully adopted.
- 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 determined 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) take in consideration increasing the upper age limit for adoption in the Republic of Srpska,

c) 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.

In order to provide special protection for „a child that is deprived of his family environment, or to whom, in its best interests it can not be allowed to remain in such environment “, that might include adoption, it is necessary to:

- provide greater efficiency in acquiring social care for children by making changes and amendments of the Family Law, continuous work on the promotion of adoption, but also on enhancing the professional competence of professionals working for guardianship authorities.

55 Family Law, Article 147.
56 UN Committee for the Rights of a Child, 2012 Conclusion Observations and Recommendations, Point 51.
58 Strategy for improving social protection of children without parental care for the period 2009-2014 prescribes, among others things, the changes and amendments of the Family Law and creation of bylaws.
Children placed in an institution - in order to have respected the fundamental right of a child to a family life and parental care, in the last few years there have been louder warnings that provided alternative care for children should be outside of institution, that 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.

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 2013 the number of children is further reduced, so according to the indicators from December 2013 in the Children’s home care was provided for 65 children.

However, the requirements for the de-institutionalization besides reducing the number of institutions and children accommodated in them are focused on the need for:

- functioning of childcare institutions should be organized in such a way that, as far as possible, it represents a family, which refers to the involvement of children in the social life of the local community,

- manner and method of work, competence of the staff, quality facilities and quality work with children should be a key factor that will have an positive effect on children who are placed in the home, not only during their stay in the institution but in long run.

Functioning of Children’s Home "Rada Vranješević" is organized in educational groups - families, and each family has their own space consisting of living room, bedroom, bathroom, kitchen and dining room and balcony. In addition, children have at their disposal common areas - library, Internet cafe, sports hall. Couple of storey of this institution, where accommodated are families, were renovated as well as sanitary facilities in all family premises, replaced were windows, balcony railings and fence of the Children’s Home facing regional road.

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. 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 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.
The largest numbers of children in institutional care are children whose development is jeopardized by family circumstances (two-thirds of the children). 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.59

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.

In practice there is a need for legal mechanism that will solve the problem of child’s return to its native local community.

10. The right of children and the media

A number of applications received by the Institution indicate that the child's right to privacy prescribed by the law is not in accordance with the requirements of the Convention on the Rights of a Child.

Article 16. of UN Convention on the Rights of a Child states: "No child shall be subject of an arbitrary or unlawful interference with his private and family life, home or personal correspondence, nor it shell be exposed to unlawful assaults on its honor and reputation. The child has the right to the lawful protection against such interference or attacks." 

Based on the above stated and all other provisions of the Convention, outcome is obligation of the State to take all necessary legislative, administrative and other measures for implementation of the rights recognized by Convention, starting with the fundamental principles of the Convention (right to life and development, non-discrimination, the best interests of the child, the child's right to opinion) that are prerequisite for implementing any right under the Convention, including children's rights to privacy.

Protection of privacy of the child requires first of all „media related laws" that will:
- ensure the child's right to privacy and
- provide a mechanism of supervision of the implementation of the law.

Electronic media is regulated by law and related bylaws, and for printed and online media, there is no appropriate legislation.

In addition to the Code on Research about Children that provides principles and ethical standards that apply to research procedures involving children and based on of the Press

59 The Law on Social Protection, Article 40.
Code that outlines the basis of editing and printing of the written press, the Republic of Srpska has passed the Law on Public Information.60

However, the Law on Public Informing, unfortunately, does not recognize children as especially vulnerable category, and their protection is possible only under the conditions prescribed by the law that applies to all individuals (if violated is reputation, insulted is honor or integrity, give their own or state others untrue statements or otherwise offended is dignity).

The Law did not recognize guidelines stated in the International Federation of Journalists Guidelines for Journalists, on reporting on children and monitoring of the implementation of the law, as defined by the law, in practice is not provided.

The Law on Public Information defines republic body for informing as the competent authority to take the measures and activities and it states following:
- Article 10 - Republic body responsible for informing keeps a register of all public media,
- Article 12 – Republic body responsible for informing issues decisions on registration of public media,
- Article 37 – Republic body responsible for informing supervises the implementation of the provisions of this Law.

The Ministry of Education and Culture, as the competent authority shall act in accordance with the Article 10. and 12. of the Law, and in its response to the Institution Ministry has stated that it is not competent to act on the basis of Article 37.: "In relation to your subject that relates to the violation of children's rights to privacy, actually to the problem of exposing children to different media content inappropriate for children's age, we hereby notify you that Ministry of Education and Culture of the Republic of Srpska is not competent to inspect the implementation of the Law on Public Informing when violated are the media related rights of the child on different grounds. In regard to the subject inspection, please do contact the Office of Republic Administration for Inspections of Republic of Srpska. ”61

At the request of the Institution, the Republic Administration for Inspection submitted its response that, inter alia, states: "The Law on Inspections in the Republic of Srpska, Article 28. prescribes that the Inspectorate for Education supervises the inspection of implementation of provisions related to: pre-schooling, primary, secondary and higher education and adult education, pupil and student standard, culture and activities in the field of culture, sports and other areas regulated by legislation. In accordance with the prescribed authority, the tasks of informing are not within the jurisdiction of the Republic Educational Inspection."62

The submitted responses confirm that for the implementation of the Law on Public Informing proper supervision is not provided.

The child's right to privacy requires special sensitivity on issues related to children, the application of professional and ethical standards in reporting, avoiding stereotypes and sensationalism, avoiding any form of identification of the child.

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60 The Law on Public Information, „Official Gazette of Republic of Srpska“, number 10/97
61 Case number: 389-28-PZ/13
62 Case number: 389-28-PZ/13
When speaking of the child's privacy, it is referred primarily to child’s private life, its identity and mental integrity. The child's identity is revealed by publishing photos and names of the children, initials, data on family circumstances, child development, etc., whether it is done directly or indirectly. In all these situations, raised is the question on consent of a child and its parents, the real needs of the child and the justification of public interest.

Any reporting about children, exposed them to different forms of public attention, and it is very important to direct the public interest on the occurrence and the problem, and not on the child and his or her privacy (if the girl is the victim of violence, is the interest of the public to know her name, initials, or school she attends), actually, in all situations there must be the assessment of the influence of information to be published on child and its development.

UN Committee for the Rights of the Child, in 2005 has examined The first Initial Report of Bosnia and Herzegovina on the Rights of the Child, and in its concluding observations has expressed concern with the fact that the child's right to privacy is not respected, and UN Committee for the Rights of the Child has recommended that all necessary measures are taken in order to provide conditions for the respect of children's rights to privacy.

In 2012 UN Committee on the Rights of the Child in its new recommendations created after reviewing the second, third and fourth Combined Report of Bosnia and Herzegovina, has expressed its concern on frequent cases of unethical and unprofessional reporting, and it recommended that the law which prohibits disclosure of children’s personal information and prescribes proportionate punishment for such behavior is passed.

Increasing number of modern media and higher level of exposure of children to them emphasizes the need for creating and implementing the mechanisms of protection of children’s rights and interests.

Bearing in mind that the Law on Public Informing does not recognize children as a particularly vulnerable category and their right to privacy protection as required by the Convention and that this Law did not provide supervision of the enforcement of the law, its final result is that the law does not provide protection of child’s right to privacy. Ombudsman for children, based on its authority, has delivered recommendation to the Government of the Republic of Srpska on changes and amendments of the Law on Public Informing.

Violations of children's rights in the media were pointed out to the institutions by parents and teachers and employees of the Centers for Social Work. Parents usually indicate a problem of exposure of children to different media content inappropriate for children's age, and institutions indicate a violation of the right to privacy.
IV THE RIGHT TO PROTECTION FROM VIOLENCE, ABUSE AND NEGLECT

The UN Committee on the Rights of the Child\(^{63}\) by pointing to an alarming level and intensity of violence to which children are exposed, calls to significantly strengthen and expand measures to stop the violence. Violence against children is never justifiable and any violence against children can be prevented. It is State’s responsibility to provide implementation of the right of each child to protection from violence.

Considering the initial report of Bosnia and Herzegovina on the implementation of the Convention on the Rights of the Child, the Committee on the Rights of the Child\(^{64}\) 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”\(^{65}\).

According to the Convention on the Rights of the Child violence is "any form of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse". This means that the protection of children from violence should not be restricted solely to the protection of one form of violence, but, on the contrary, government measures for protection of children shall apply to all forms of violence, no matter where violence occurs and who are the perpetrators.

"State is obliged 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."\(^{66}\)

Obligation of the state to protect children from all forms of violence, as defined by Convention, is directly related to the implementation of many other rights under the Convention. A child who suffered years of violence in any form, is not violated only on that grounds, but seriously jeopardized is it's right to unhindered growth and development, right on respect for his human dignity, and right on physical and mental integrity.

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.

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\(^{63}\) UN Committee for the Rights of the Child, General Comment 13. The right of a child to a freedom from all forms of violence

\(^{64}\) UN Committee for the Rights of the Child, 2005 Concluding observations and recommendations, Point 43.

\(^{65}\) UN Committee for the Rights of the Child, 2005 Concluding observations and recommendations, Point 40.

\(^{66}\) UN Convention on the Rights of the Child, Article 19
1. Violence against children

In accordance with the stance of World Health Organization's abuse or child abuse include all forms of physical and/or emotional abuse, sexual abuse, neglect or negligent treatment as well as commercial or any other form of exploitation, resulting in the actual or potential violation – impairment of child’s health, its survival, development or dignified life within the frame of relations that include responsibility, trust or power. Violence against children is never justified, and each form of violence can be prevented. All forms of violence against children is a serious threat to the child’s growing up due to severe and permanent consequences it has on child’s development, because it violates the fundamental rights of the child, foremost the right to life and development. Obligation of the State is to take all legislative, administrative, educational and other measures to protect the child from all forms of violence, abuse, neglect and exploitation.

Violence against children occurs in different forms – neglect of a child, physical abuse, psychological abuse, sexual abuse, and not rare are situation when different forms of violence against children occur simultaneously. Thus, for example, psychological violence frequently precedes and goes along with physical abuse of children, and different forms of violence against children are the consequence of child neglect.

Acting upon individual cases in the reporting period, based on the complaints that indicate the violation of children's rights to protection from violence, and also based on the research on different forms of violence against children Institution has conducted, basic and common problems in the protection of children from various forms of violence are:

1. Different forms of violence against children are not timely recognized
2. Prevention programs are not defined
3. Unified database does not exist
4. Children are silent

1. Different forms of violence against children are not timely recognized – Unfortunately, increased occurrence of child neglect is not recognized in its all forms as the violence against children. If neglect of a child is taken as indifference towards the child whose right to life and development is being violated, its basic needs are neglected - education, health protection, love and attention, conversation and socializing with a child, its right to play and leisure time and right to protection of his privacy and similar, then every absence of necessary care and supervision in growing up of a child is violence against a child.

In reporting period Institution acted in numerous situations which relate to contact of a child with the parent child does not live with, absence of alimony payments, issuance of travel documents and common law marriage of minors, unfortunately, were not recognized as violence against a child, so on that basis missing are not only the appropriate measures of protection and support but also measures against parents who neglect the right of the child to healthy growth and development.

2. Prevention programs are not defined- Education is much more than just formal schooling. In order to achieve the objectives of the education system as defined by law, it is necessary that a part of the school curriculum are prevention programs, including the programs related to all forms of violence, abuse, neglect, also it is important to know how to identify all of its forms, how to react, what are its consequences on development and growth of the child, what are obligations of the child and adults, who is obliged to provide support for the child and how. Numerous are the questions on which children should get information in school so they could protect themselves from different forms of violence. Activities carried
out in schools, by schools and NGOs, have emphasized that prevention programs must be constant and continuous; they must be child friendly and it must be jointly defined.

3. **Unified database does not exist**- What certainly does not contribute to the protection of children in this area is the fact that there is still no unified database on children who are victims of violence on different grounds. Eventhough institutions and services with the authority to act in protection of children from various forms of violence have their own database of reported cases, such data is not unified in different sectors nor on the national level. The exception is the Ministry of Interior that regularly receives information from its Public Security Centers, and their data speak of reported cases of violence against children in the Republic of Srpska. Keeping records on various forms of violence against children is not a mere recording of cases. The resulting data require a comprehensive analysis that should be the basis for new measures and activities and for strengthening those parts of the system that have been inefficient.

4. **Children are silent**- An additional problem is that children are silent about the violence that is happening to them. Opinions of children on this issue are much divided, reactions are very different, but generally they include following:

- Children do not expect to be taken seriously and they do not anticipate that they will get the necessary support, "once I said, it meant nothing, no one heard me, he just waved his hand ",
- Children do not want to further complicate the problem, they just wait until problems gets solved by itself,
- They are afraid of the consequences that would fall on for them and their families. Children are afraid and ashamed to report what is happening in the family; they report that their friend is having problems due to domestic violence. None of the children reported their family because of fear and shame. This attitude toward their parents who are endangering their growth only confirms in which extent children are emotionally attached to their parents, and have no possibility to resist parental upbringing methods. Children of younger age are at the higher risk that the consequences of violence will have greater impact on their development and growth.
- Children alone take care of a problem, assume the same model of behavior and respond in the same pattern.

Greater level of sensitivity for various forms of violence, largely contributes to the reporting of different forms of domestic violence. Thus, according to records of Ministry of Internal Affairs\(^67\), in 2013 recorded was total of 1088 cases of domestic violence (minor offenses and criminal act), out of which 453 were criminal acts of domestic violence, and in 67 cases of domestic violence victims were children under age 14 (number of cases filed in 2012 was 1360, in 2011this number was 1190 and in 2010 it was 864).

Unfortunately, even though statistics indicate an increase in domestic violence, they still do not reflect real situation in the field for several 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 domestic violence are not recorded as victims and therefore system does not provide them with the appropriate professional assistance and support.

\(^67\) Ministry of Internal Affairs data for 2013: D/P-052-66/14, dated February 5\(^{th}\), 2014
Although family has the primary role in development and growth of a child, unfortunately, many children experience, even at the earliest age, different forms of neglect, injury, humiliation and abuse within their family. Violence that children experience in the family is not, in any sense, only family problem but it is a serious social problem.

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

In the complaint submitted to the Institution, the children's uncle stated: "In the family xx, for a long time five children have been subject of physical and mental abuse of their father, and regarding this problem Center for Social Work and Police have repeatedly intervened." "Mother is a chronic alcoholic, unemployed, social assistance beneficiary, children live under the stress, often they are physically abused, blackmailed (she tells them that she will abandon them), late to school on daily basis, when they come to school they are tired and need sleep ... Center for Social Work and school that children attend know about this situation ... " is stated in the letter sent to the Institution by children's aunt.

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.

A positive example is Primary School "Sutjeska" from Modrica that based on suspicion that the children, school students, are victims of domestic violence, literally applied the Protocol, and informed the Center for Social Work, Police and the Ombudsman for Children. Based on the received complaint each of the participants has taken measures within its jurisdiction. The school is, therefore, not expected to solve cases of domestic violence, but it is expected, and it is schools obligation, to recognize when child has a problem, to demand feedback on measures taken by the competent institutions and to get information on needed additional measures that should be taken in the school.

However, the violence against children that occurs in the schools is not timely recognized by schools as the violence. In reporting period Institution acted in one number of cases that indicate different forms of violence against children in the school. In the complaint parents stated: "My son was running in front of the school, accidentally bumped in his companion, who had fallen and teacher with insulting words has ordered my son to take his stuff from the classroom, go home and not to return to the school. Shocked and humiliated (the boy is 10 years old), my son did not go home but he went in the opposite direction. We found him after three hours of searching, seven kilometers away from the school." In 2013 Institution has received complaints that indicate violence against children in schools committed by third parties. Complaint filed to the Institution and signed by the school Principal states: "The 2nd grade student's mother for a long time has been harassing, threatening, fighting, etc.. parents, students and employees of the school. Parents are embittered, announcing the transfer of their children to other schools and addressing the media."

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..."

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68 UN Convention on Rights of the Child, Preamble – Family as basic unit of society is natural environment for development and wellbeing of all its members, especially children.
69 Case number: 1677-135-PZ/13
70 Case number: 406-31-PZ/13
71 Case number: 162-90-1-PZ/13
72 Case number: 449-35-PZ/13
73 Case number: 602-51-PZ/13
and their safety in the school, and take measures to protect the rights of students,” 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.

Center for Social Work has a key role in protecting the rights and interests of children. In intention to protect children, the legislator has obliged Center for Social Work “whenever and however it gets information” of a child being a victim of violence and abuse, to react immediately in order to provide support and assistance for the child, but also to initiate proceedings against the perpetrators of these acts.

Protection of children from violence, especially sexual abuse and exploitation, obliges Center for Social Work to initiate proceedings for termination of parental rights, regardless of whether or what kind of proceedings is ongoing against the perpetrator of this act or the outcome of such proceedings.

If Center for Social Work omits to take measures that are in accordance with its legal obligation than it acts contrary to the interests of the child and its right to protection from all forms of violence and abuse.

Experts warn that violence against children seriously jeopardizes their development and growth, the consequences can be severe and long-term for their physical and emotional development and children, due to lack of care and attention within the family, see their way out in aggressive and destructive behavior, alcohol, running away from home, not attending school and similar. This refers not only to situations where children are direct victims of physical violence, which is the easiest noticed, but also in situations when children are constantly witnessing the violent behavior of their parents. Psychological violence do 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.

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.

A number of complaints that the Institution has acted upon, indicating violation of children's rights to protection from different forms of violence, abuse and neglect, confirm nonexistence of needed permanent and continuous cooperation between the competent bodies and nonexistence of multidisciplinary approach to such cases.

Numerous situations children find themselves in are the result of the lack of necessary parental care and supervision, and, at the same time, inadequate response of competent services in such cases. In order to strengthen the system to act preventively in terms of prevention of violence, abuse and neglect, and simultaneously provide that in all cases of violence initiated is fast and coordinated procedure, in order to protect the child and its interest, on the initiative of the institutions signed is the Protocol on Proceedings in case of violence, abuse and neglect.

The Protocol was enforced on January 1st, 2013 and the first report on violence against children the Republic of Srpska should have in the mid of 2014. At the time of writing of this report, data on the implementation of the Protocol have not yet been processed by the

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74 The Law on Primary and Secondary Education, “Official Gazette of Republic of Srpska”, number 74/08, 71/09 and 104/11 Article 129

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competent institutions. However, at the beginning of its implementation emphasized was the need to introduce violence prevention programs in the schools and the need for additional education of employees of the school on different forms of violence, abuse and neglect against children.

2. Peer violence

Every student has the right to protection from all forms of violence, abuse and neglect; it is the responsibility of parents and teachers, above all, to ensure proper monitoring and timely reaction, but it is responsibility of the students to respect the rights of others and of those who are different.

Peer bullying occurs in very different forms of aggressive behavior, from resolving interpersonal conflicts through violence, insults, humiliation and degradation to serious conflicts that might result in grievous bodily injuries and even death.

Reactions of schools where cases of peer bullying are most common are very different. A number of schools has really responsible approach in solving each case, has a good cooperation with parents, literally applies Protocol on Proceedings in cases of peer bullying amongst children and youth in the schools of the Republic of Srpska.75

Some schools do not react in cases of peer bullying because they do not see nor understand problem and they state that children always did and it is an integral part of their growing up. Such an 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.

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

The problem of peer bullying is not just a school problem, regardless of the fact it usually happens in the school. Parents in this course 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.

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.

In her letter mother states: "In the third grade of primary school student xx continuously abuses other children and he even physically attacks them. All attempts of the teacher to talk with his parents have failed because parents have that “guard” which makes it almost impossible to develop any form of communication with them. From all stated it is obvious that the problem comes from that family, and we, parents, really do not have the instruments or the methods to prevent it. ”76

Students in their letter to the Institution state: "Student challenged in his development attends our Primary School. A group of Secondary School students continuously insult and

75 Protocol on Proceedings in cases of peer bullying amongst children and youth in schools of Republic of Srpska has been signed on November 19th, 2008 by Minister of Education and Culture, Minister of Health and Social Protection and Minister of Internal Affairs
76 Case number: 1334-105-PZ/13
humiliate him. We, students, are asking that something is done in this regard in order to prevent further humiliation of our friend.”

It is difficult to determine from which families and of what backgrounds perpetrators are, but experts warn that those are the children with the 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 timely recognized and even if recognized it is expected that someone else will solve it or it would solve by itself, and eventually disappear. 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 adult (parents, school) react even when they do nothing about it because children from the reaction of adults (or lack of that reaction) to that specific behavior of a child set the limits to which they can go in such behavior.

"A group of ten Secondary School students are attacking other students on the school playground or in the vicinity of schools. They capture them and rob them of their money, phone ... threatening them not to tell anyone about it. In fear, children kept silent, and the parents have only recently learned what their children were going through. School states that students have not reported it to their homeroom teachers or the school management about the problem concerning the extortion of money, and the school found out about this from the newspaper "Nezavisne novine”™.

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 patter 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 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 to detect and report it.

According to the date of Ministry of Internal Affairs in 2013 recorded were 20 criminal acts of peer bullying, and there were 120 juveniles against whom violence was committed. Unfortunately, this database states that out of total number of juveniles against whom violence has been committed 59 are children under the age 14.

Protocol on Proceedings in cases of peer Bullying amongst children and youth in Republic of Srpska defines the rules and procedures within schooling system in situations when violence occurs in the school and it obliges institutions to take all necessary actions in dealing with the consequences. It is obligation of the school Principal to take all necessary measures that are in accordance with the Law and Protocol in all cases of violence amongst children in order to provide protection of rights and interests of children.

In 2013 Institution had conducted the research on the application of the Protocol on Proceedings in cases of peer bullying in the education system, and in 2012 Ombudsman for Children together with the Network of Young Advisors has completed research on the presence of peer bullying among children, seen from children’s perspective.

What is common to both researches is the need for violence prevention programs generally, including the peer bullying prevention programs, to be a part of the school curriculum, so that children from their earliest age get the necessary and child-appropriate information.

77 Case number: 1435-115-PZ/13
78 Case number: 1645-21-PZS/13
79 Ministry of Internal Affairs data from February 5th, 2014, number: D/P-052-66-14
about the various forms of violence, how to recognize it, consequences it has on their development, etc. In addition, violence prevention programs in the educational system should have a clear legal framework.

Besides the violence prevention programs in the educational system in general, and for the need of protection of children from any form of violence, it is necessary, among others, to clearly define 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 track 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, and it must be continuous and real and about all segments of upbringing and educating of a child.

In order to achieve the required monitoring of all the problems of peer bullying within the educational system, it is essential that the relevant ministry, based on the annual reports of all schools in the Republic of Srpska, produces 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 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 inefficient.

3. Violence on the Internet

Within the Network of Ombudsmen for Children of South East Europe and with the support of the Save the Children, Ombudsman for Children together with the institutions of Ombudsman of Vojvodina and Montenegro has implemented the joint project "Exploitation of children on the Internet."

The study was conducted in the period from end of 2012 to mid of 2013 and for a goal it has 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.

For the needs of research, institution has conducted focus group interviews with 102 children aged 10 to 14 years and 14 to 18. Research has shown that children use the internet one to three hours a day, on weekends even longer. At the same time it was observed that children who have a well-organized leisure time; have sports activities, attend various courses and schools, or are members of NGOs; spend less time on the Internet.

Social networks, according to children, are essential form of communication with friends and even students of primary schools have their own profile to which their parents have access to. Secondary school students all have a profile, and if their parents use the Internet children have them as friends and state that they "have nothing to hide from their parents."

Parents of primary school students who participated in the focus group interviews, often are not even aware of the dangers children are exposed on the internet, and they stress out that they can only control what their child is doing on the Internet only when they are at home, and while they are at work they do not know if child is respecting agreement or not.

However, almost all parents whose children use the Internet say that they talk with their children about the internet and teach them to use the same rules that apply to the life: do
not speak of yourself and your family with persons you do not know well, do not send your photos, do not meet with the strangers, do not use indecent forms of communication and similar.

When asked if they would go on a date with someone they met on the chat, even 57% of primary school students said they would go while 43% said they would not. Although children are aware of the dangers and traps of the Internet, still some of them, out of curiosity, would get into those situations that can be very dangerous. Children believe that they would be able to recognize hidden intentions and dangers, but their innocence and curiosity are exactly with certain type of adults are counting on.

High school students were answering the question of whether they ever had an encounter with someone they met online, and 23% of them have actually met in person with those who they met first online. It is interesting that all claim to have had only positive experiences, that before they met in person they have check this person through mutual friends, and that connection with those persons usually was tied to some common activities, for example, sport, folklore, working in NGOs and similar.

When asked to whom they would turn if in some situations they would feel violated and disturbed, children generally stated for a person of trust their parents, peers, pedagogues or Police. However, parents often do not have enough information or knowledge to control the child on the internet, they can not recognize if child has problem on the Internet, do not know how to protect child; parents are confused with the increasingly vocal warnings about the dangers on the internet and they rather ban the use of computers and the Internet, and that is actually one of the reasons why kids do not speak of situations they experience on the Internet.

In study engaged were experts from schools, Centers for Social Work, Police, Basic and District Courts, Public Prosecutors Offices and NGOs who 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 dealing with such problems and they have stressed that it is important to define the problem and educate all about this problem.

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.

**Summarized results,** all study participants agree, indicate the need for prevention programs and education of children, parents, teachers, and professional services in schools on advantages and risks of the Internet.

In addition, it is essential that in the schools start nonviolent communication programs including education on violence on the Internet; computer science classes must include education on responsible use of the Internet, for students who do not have computer science classes (lower grades) this should be one of the topic they cover on their homeroom classes in accordance with the to pre-defined program suitable for the age of children, the question of using the internet should be actualized at the parent-teacher meeting at the beginning of the school year, parents should be instructed on the support and assistance of the competent institutions, and cooperation with parents on all issues of realization of children's rights should be strengthened.

Besides the stated, it is necessary to harmonize laws in different sectors with the requirements of the Convention on protection of children in this area and to facilitate the understanding and recognition of the problem, terminology used should be adapted to our language. (Grooming, sexting ...)

Supervision of implementation of the Protocol on the Proceedings in cases of violence, abuse or neglect should be secured, (Protocol obliges the competent bodies to act in cases of
violence related to the use of information technologies) and also all necessary measures (by competent ministries) should be taken for its consistent application.

Prevention programs to protect children from various forms of violence, abuse and neglect, including violence through information and communication technologies should be defined, and the same should be introduced in the education system and curriculum, from the earliest age of the child, adapted to their age and their needs.

An integral part of children's growth and development from their earliest age are modern technologies that, unfortunately, are used for various forms of violence amongst children and against children.

Besides the advantages of the Internet there are many risks related to the child exposure to different forms of violence and violation of the right of child to its privacy, in form of insults, harassment, sending threatening and insulting messages, misrepresentation, incitement to hatred and violence, disclosure of personal data and family situation, joining various groups who have different objectives, and which can put child in jeopardy.

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

Experts warn that there is no effective way to protect children from potential risks that may be exposed on Internet. 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.

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 physical contact with other children 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'm available on the Internet all the time; I am a victim of the Internet, because I can not get away from it."80

In previous period Institution has promoted the website www.djecanainternetu.org with the intention to highlight the growing presence and the increasing impact these technologies have on the growth and development of a child and also it promoted the obligation of adults to protect children in this world of communication.

The institution has printed an appropriate Guidebook "Children on the Internet" for children, parents and teachers. Website and Guidebook are created with the intention of having preventive and educational activities and it serves as invitation to all to contact competent institutions in case they have any suspicions.

80 Focus Group participant, 16 years of age
V THE RIGHT TO HEALTH PROTECTION

According to the stand of the World Health Organization health is not only the absence of disease and disability but a state of complete physical, mental and social well-being and implementation of the highest attainable standards of health is the obligation of society in a whole.

The right of a child to health protection, at the international level is regulated by a number of international documents. 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).

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.

Besides the stated, the Committee encourages the States Parties to adopt programs for children’s rights in the early childhood. In order to be able to use their rights, children in early childhood have special needs for emotional care, good guidance, time and space to play with other children, to research and to learn. These needs can be planned the best in the frame of laws, policies and programs for early childhood, including the plan on implementation and independent monitoring in order to have an assessment on the impact of laws and policies on children.

The right to health and health protection as the fundamental human right is guaranteed by the Constitution of Republic of Srpska, and their implementation is regulated by various laws.

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 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.

Institution has not received complaints where indicated was violation of children's rights to health protection including the access to health protection services, problems of validity of the health insurance cards, etc.

81 UN Committee for the Rights of the Child, General Comment 4., Adolescents health
82 UN Committee for the Rights of the Child, General Comment 7., Implementation of the rights in the early childhood
83 Policy of Improvement and Early Afe Growth and Development of Children in Republic of Srpska, „Official gazette of Republic of Srpska”, number 37/11
84 The Constitution of Republic of Srpska, Article 37.
85 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.
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.

"I'm a father of a thirteen months old baby girl who as an emergency case was flown to Italy to a number of difficult and complex surgeries; each day of her life is a borrowed time." 86

"Based on the report of the specialist - document attached in appendix, it was found that a child xx suffers from a rare disease of metabolic disorder and is the only case in the Republic of Srpska, whose treatment requires the consumption of drugs xxx and dietary supplements without which his health and even his life would be endangered. Stated drugs and dietary supplements are impossible to buy in the Republic of Srpska and getting those drugs from abroad is very expensive." 87

"Minor xx since she was born had her health insurance through her father xx - foreign insurance company, but father has taken her off from his health insurance, without notifying child's guardian and competent services." 88

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.

Regarding the implementation of children's rights to health protection, the Institution, in the reporting period, has indicated the lack of systematic preventive measures and health protection programs for children - protection against the use of alcohol, tobacco, drugs, and reproductive health. With non-existence of the appropriate prevention programs tailored to the needs of children from their earliest age, the system of health protection deals with the consequences and individual treatments of ill children. The concept of health and development of children requires that children's health is being improved and preserved not only in the frame of the health sector but also in families, schools, sports clubs...

The Committee recommends that the State Party 89 systematically collects information on the consumption of alcohol, tobacco and other substance use among adolescents and takes measures necessary for the effective implementation of the ban on the sale of such products to the children.

1. Protection of children from drug use

With the program for prevention of narcotic drugs abuse in Republic of Srpska for the period 2008-2012 that was enacted by the Ministry of Health and Social Protection in accordance with the Strategy for the Control of Narcotic Drugs and Suppression of its Abuse in Republic of Srpska, 90 a whole range of measures and activities was brought, in various sectors, primarily preventive, to improve combating misuse of narcotic drugs. In order to achieve defined policies, plans and action programs Commission with 13 members was appointed which acted through health, social, educational and repressive system, civil society and

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86 Case number: 1024-82-PZ/13
87 Case number: 406-32-PZ/13
88 Case number: 560-48-PZ/13
89 UN Committee for the Rights of the Child, 2012 Concluding observations and recommendations, point 59.
90 Strategy for the Control of Narcotic Drugs and Suppression of its Misuse in Republic of Srpska for period 2008-2012
media and it has implemented various programs that aim at prevention of drug abuse among children and adolescents, decreasing health and social risks related to drug abuse and protection programs for children, youth, families and entire society. Ministry of Internal Affairs has a coordinating role in work of the Commission. In the implementation of programs for prevention of narcotic drugs abuse special attention is given to the prevention - education that is focused on precisely defined population; pupils, students and parents, but also it is focused on raising the level of expertise of professionals, police, health personnel, judges, prosecutors and non-governmental organizations.

As a part of strategic commitments in combating drugs changes have been made in the biology curriculum for grades 6 and 7 that relate to the prevention of narcotic drugs abuse, and therefore the protection of children from narcotic drugs abuse became part of regular curriculum for this age group.

Within numerous activities in realization of the program, the program for collection and processing data on narcotic drugs users was created and established, necessary equipment was procured and assigned were persons for realization of program.

Realization of program activities defined by strategic documents received its verification through the ESPAD\textsuperscript{91} research which was implemented in Republic of Srpska in 2008 and 2011.

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 alcohol, tobacco, in protection of children from various forms of violence, abuse and neglect, and in promotion of healthy lifestyles.

\textbf{2. Protection of children from tobacco use}

The Law on Prohibiting Sale of Tobacco Products to Persons under the Age of 18\textsuperscript{92}, in order to implement preventive measures and improve health of persons under the age of 18 from harmful effects of tobacco products determines, among other things, obligations of the educational institutions under this Law.

According to the Article 12. of the Law, all educational institutions, primary and secondary schools, sports organizations and so on are required to set up in a prominent place posters and other materials which indicate that the use of tobacco products to persons under 18 is prohibited, and posters and materials that state harmful effects of tobacco on health. Competent institutions are, furthermore, required to include in their programs for elementary and secondary education the topic - risks of tobacco use to health that should be taught and discussed at least once a month during regular classes.

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. Protecting children from tobacco use is not a question of individual school and its programs, but of the system in whole and its relation to the problem. The program must be uniquely defined for all subjects of protection, including educational institutions and their obligation in

\textsuperscript{91} ESPAD- European research project on the use of tobacco, alcohol and drugs among high school children, it 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 Monitoring of Drugs and Drug Addiction.

\textsuperscript{92} The Law on Prohibiting Sale of Tobacco Products to Persons Under the Age of 18, "Official Gazette of Republic of Srpska", number 46/04, 74/04, 96/05, 92/09
the implementation of the program. The program must be adapted to the age of the child, and for its realization it is necessary to provide proper supervision. For the afore stated it is necessary to define, by changes and amendments of the Law, that training program is passed by Minister of Education and Culture in cooperation with Ministry of Health and Social Protection.

The problem in protecting children from tobacco use, among other things, is in its availability, inadequate supervision of the implementation of this legislation and the absence of response to 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 to be in function of prevention.

The institution has received complaints from children and parents that indicate violation of provisions of the Law on Prohibition of Smoking in public institutions. Unfortunately, the application of both Laws, the adequate supervision of the competent inspection authorities is missing.

3. Protection of children from alcohol use

Protecting children from alcohol use requires the engagement of many subjects of protection, whose activities must be planned and coordinated simultaneously and it should be taken in two directions.

Prevention is priority, meaning that teaching children about all the harmful consequences of alcohol use must begin at their earliest age and it should be part of the education system; and at the same time cooperation between parents and educational institutions should be strengthened.

Other direction requires adequate sanctions for those who have not, in the frame of their jurisdiction and authority, taken necessary measures and actions to protect children, and contrary to the interests of the child and the existing laws they allow, enable or do not prevent children to use alcohol.

Regardless of the changes and amendments of the Law, the 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,

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93 The Law on the Prohibition of Smoking in Public Places, "Official Gazette of Republic of Srpska", number 46/04, 74/04 and 92/09, Article 2. Public places are institutions were citizens are provided with public services and places where people gather, including:
  a) educational institution such as: nurseries, kindergartens, primary and secondary schools, faculties, universities and other educational institutions and
  b) Institutions pupils and students are accomodates such as: students dormitories, hostels for youth and other institutions were juveniles are accepted or accommodated.

94 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 businesses that serve alcohol beverages to place at the visible spot the ban to sell, use and serve children with alcohol drinks.
- Absence of prevention programs on the harmful effects of alcohol,
- Absence of reaction against those who expose children to harmful effects of alcohol.

The most common reaction to situations in which children find themselves, is the transfer of responsibility from one to another institution, and the consequences of such reaction are not only endured by children at the present, but in the long run the entire society as well.

The experiences of Centers for Mental Health confirm that there are more and more children seeking help for alcohol abuse. It has been registered that children start to have experiences with the alcohol at the earlier age than it use to be case.

Even the emergency services confirmed that especially on holidays and during the weekends they receive intoxicated children.

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.

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 like it was done for the problem of drug abuse with the program for prevention of drug abuse.

Particularly worrying is the attitude of authorized inspection that there is no adequate response to this problem. Nobody expects that inspections on daily basis are in every shopping and catering facility, but they are expected to take responsibility for their work in accordance with their mandate.

4. Children and lottery

The existing legal restrictions95 (prohibition of participation of children in games of chance, ban the presence of children in rooms where these activities take place, the obligation of the organizer that such prohibition is highlighted in a prominent place in all business units) are only one of many measures that adults must take in order to protect children from this form of abuse.

The Law itself will not solve the problem if the competent inspection authorities by their regular control, which should primarily serve the purpose of prevention, and by imposing the measures prescribed by the law, do not take their part of the responsibility for the consistent application of the Law.

Games of chance are not intended for the children and their participation in some form of this type of "entertainment" is contrary to child’s best interests and the child experiences harmful consequences. Unfortunately, even in this area present is a problem of: inadequate supervision of the competent inspection authorities in the implementation of the provisions, absence of response of those who allow and enable children to play games of chance, and the absence of prevention programs on the harmful effects that games of chance have on the children in their growth ad development (time spent in areas that are not meant for them, children spend money intended for snacks for the games of chance, borrow from others for these purposes, creating addiction).

95 The Law on Lottery, „Official gazette of Republic of Srpska”, number 111/12, Article 11.
5. Protection of children with behavioral problems

Behavioral disorders in children include a number of different variations in all areas of child functioning, and these are behaviors that deviate from socially acceptable, normal and expected given the age of the child and they may also be related to family relationships, communication with peers and adults, unjustified absence from school, poor learning success, running away from home ... Development of behavioral disorders in children is contributed by a number of factors, and in some cases more than one at a time. What characterizes the development of this behavior in children, according to the expert’s opinion, is that in most cases it develops progressively, from the less serious, to extremely serious. Untimely recognition of the problem and the absence of the response for such behavior, leads to bigger and more serious problems and disorders. Due to the inappropriate behavior these children are rejected in their environment, they are judged and label, called troubled, disrespectful and they are expect, generally, to be strictly punished. This reaction is the result of problems in behavior that they show, and, at the same time, forgotten are the problems these children face in their childhood, what leads to absence of the adequate professional assistance in identifying the causes of such behavior in children and their elimination, in order to save children from severe forms of unacceptable behavior.

Any change in behavior of children, regardless of whether such change is manifested only in the family, at school or in communication with peers and adults, or in committing criminal acts, has its cause. A large number of divorces where intervention of the authorities is sought confirm that the children who go through all these situations also need professional help and support. This is not the only situation when children need support. The presence of the problem children have with alcohol or tobacco, dropping out of school, running away from home, problems in communication with peers and adults ... are just some of the situations that families need professional help and support, because on many issues in their relationship with the children such families do not have the answer. The actual number of child psychologists and psychiatrists today does not meet the needs in the field. If taken in account that smaller municipalities do not have them at all, then parents are expected to be additionally engaged in order to provide appropriate professional assistance for their children.

According to the data of Ministry of Health and Social Protection\(^\text{96}\) in 2011 Centers for Social Work have recorded 1333 children with antisocial behavior, however , the same data, and also the actions of other competent authorities, do not indicate whether these children are included or in which part of the support system. Data on the presence of various forms of behavior disorders in children should be the basis for planning prevention programs and activities of the subjects of protection in different sectors.

6. Protection of reproductive health of children

Situations in which children find themselves, speak about our relationship towards them and absence of recognition of causes that have led them to those situations and, in particular, absence of recognition of consequences that are difficult and long-lasting, not only for that child and his family, but for society as a whole.

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.

\(^{96}\) Ministry of health and Social Protection, Bulletin 11
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.

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.97

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.

Bearing in mind that knowledge is the best protection of children from all risks to which they are exposed, the Institution has issued a recommendation to the competent Ministry to create a program of educating children within the educational system on their reproductive health.

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.98 Thus children enrolled in schools, from an early age, in 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.

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97 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.

98 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.
VI CHILDREN CHALLENGED IN THEIR DEVELOPMENT

In the reporting period, the Institution has acted upon 38 complaints (in 2012 there were 23 complaints) which, based on various grounds, have indicated to the violations of the rights of children that are 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.  

Children challenged in their development have the right to equal participation in society and to all rights as their peers. Their needs are not special, they are the same as the needs of their peers, but in order to achieve them society must remove all barriers that prevent them in this. Removing barriers is related to a number of subjects of protection. Here particularly important is constant communication and coordination of different services, in order to ensure the maximum possible for each child in given circumstances.

The present problem is the lack of adequate measures at the earliest age of the child, and based on the assessment of the experts early diagnosis and appropriate intervention is of great importance in overcoming or reduction of the disability and are 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, 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 in the Republic of Srpska recorded is a total of 3007 juvenile that have Decision on Classification, 1723 are boys and 1284 are girls.

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

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.

Parents of these children carry the heavy burden and responsibility for numerous situations they face on daily basis. The most common problem they indicate is an insufficient number of professionals that work with children, and inability to provide care for children for a designated period of time during the day. Time is the biggest foe for these children, because if they can not be at treatment of speech therapists for example, in the extent that is needed based on physician’s findings, their chances of inclusion and achieving the maximum possible potentials are diminishing. But every solution system makes parents see as a great contribution for both their children and their entire family.

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.

The UN Committee on the Rights of the Child\textsuperscript{100} 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.

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.

According to the Article 17. of the Law on Social Protection the beneficiaries of social protection, among others, are also children challenged in their development, and besides other rights the law stipulates the right to a day care. The new right of children to social protection 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

A number of received complaints indicate the impossibility of engaging teaching assistants.

Also teachers talk about the same problem of insufficient number of skilled workers and lack of teaching assistants in schools. Teachers emphasize that they do not have enough knowledge to recognize the individual needs of the child or to recognize which school material is appropriate for those children and how it should be customized for the child with a certain degree of disability, stating that regardless of the efforts they put in they do not know whether it is really in the interest of each child individually or not. Teaching assistants must be trained staff who can and who know how to assist these children in different situations. In order to find the best solution for this kind of support children need engagement of experts from various fields and departments who provide protection of the rights and interests of children.

\textsuperscript{100} UN Committee for the Rights of the Child, 2012 Concluding Observations, Point. 52
The introduction of 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 its education in regular classes would be less stressful especially for that students, and also 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.

The Law on Primary Education and the Law on Secondary Education does not prescribe the right of the child to the teaching assistants or the obligation of the school to engage persons for teaching assistants.

Not a single normative acts do 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.

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.

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. Conditions for accommodation of students

Complaints received by the Institution indicate also the violation of the rights of children challenged in their development in relation to the implementation of the right of children to be placed in an institution.

The placement of children in institutions has always been a sensitive issue, first for children, but also for their parents, as well as for the institution that they are accepted to.

Procedure of accommodating, nurturing children, permanent stay or daycare, process of implementing education, all requires clearly defined policies and procedures, so that parents know at every moment, whether their child is getting, under which conditions and what kind of service within the institution. This issue is also important for employees of the institution, because with the reception of children in the institution they assume an obligation and responsibility to ensure the best interests of each child.
Particularly important is that the issue of monitoring functioning of the institution in all its aspects is not merely defined, but it is planned and carried out continuously.

Since the legally stipulated obligation of prescribing conditions for accommodation of students in an institution has still not been complied with, it is necessary, according to the Article 90. Paragraph 6. of the Law on Primary Education, to prescribe conditions for accommodation of students and the manner of implementation of the educational work in institution.

5. Evaluation of students challenged in their development

Violations of the rights of children challenged in their development are also indicated in the process of their evaluation.

According to the Law of Primary Education\textsuperscript{101} inclusion of children challenged in their development in regular classes of primary and secondary schools, based on individually adapted program, depending on the age of the child and its possibilities, is intended to maximize the potential of each child individually.

Inclusion of children in regular classes in addition to custom-made programs requires constant monitoring of work, development and progress of a student. Monitoring and checking students’ knowledge and skills gained in educational system is greatly important and firstly in function of assessment of adequacy of the program for students based on their specific needs and also it is basis for development of the new individual programs according to identified needs and achieved abilities of students.

The evaluation of students challenged in their development is the result of monitoring, assessment and evaluation of student’s achievements, acquired knowledge and skills and ability to implement what they have learned to everyday situations. Continuous monitoring of student progress and its verification by appropriate methods requires continuous recording of the observed progress, determining the basis of a descriptive grade, which is just the last stage and the information on the results obtained by the student and the difficulties that have been observed for individual students.

To ensure continuous monitoring of progress and assessment of students challenged in their development, it is necessary to provide conditions suited to the needs of monitoring and evaluation of acquired knowledge and skills.

6. 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 Schools\textsuperscript{102} and the Regulations on the Classification of Persons Challenged in Physical and Mental Development.\textsuperscript{103}

\textsuperscript{101} The Law on Primary Education, Article 68. and 69.
\textsuperscript{102} The Book of Rules on the Education of Children with Special Educational Needs in Primary and Secondary Schools, "Official Gazette of Republic of Srpska", number 85/04, Article 8.
\textsuperscript{103} 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,\(^{104}\) 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.

The information of Center for Social Work states that certain number of children did not pass the assessment because due to the illness of family member one child could not come to the assessment, and the Commission did not go to that boy’s home, for another person Commission had organizational problem, or initiated was the process of reassessment ex officio, and the same is planned to be concluded at the next session of the Commission. The reasons stated for not having assessment done already, among others, are vacation season and annual leave for month and a half and the fact that the coordinator of the Commission is been on sick leave that also has postponed Commission session.

According to the Regulations, assessment of the needs and education of persons challenged in their development is executed by Experts’ Commissions. (Article 14.) Tasks of coordinating Experts’ Commissions are performed by Coordinators of Experts’ Commissions.

Coordinator of the Experts’ Commission is a person employed at the Center for Social Work or at municipal social services. (Article 18.)

The process of assessment of the needs and education of persons challenged in their development shall be done:

a) based on the request of the person’s parents or guardian,

b) ex officio, Centers for Social Work or Social Care Services based on the immediate information or notification by Family Doctor, school, health or social protection institution as well as other providers of social protection. (Article 22.)

In the event when due to the condition of a person challenged in development is not able to show up for assessment at the invitation of the Experts’ Commission, the assessment is made in the premises in which a challenged person resides. (Article 29.)

Since the Regulation prescribes proceedings of the Commission in connection with the assessment of the needs when persons with disabilities are not able to access the assessment, or when members of the Commission can not perform its duty, such situations are not an obstacle for the assessment, or for the Commission session.

Coordinator is not a member of the Commission or the appointed person, and the coordinator’s absence for various reasons should not be a reason for not having session of Commission or performing evaluation, because tasks of coordinator, according to the Regulation, may be performed by any person employed by the Center.

Unreasonable delay of the assessment of needs and education of children with disabilities has prevented those persons to exercise their right to social protection they have in

\(^{104}\) 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
accordance with the Law, what implies that the Center in this particular case did not act in the best interests of children.

Ungrounded are statements of Centers that "none of the minor person will lose their rights since it was found that the right is effective as of the first of the following month when procedure was initiated", as the Article 73. of the Law stipulates that the right to financial assistance and allowance for assistance and care of another person belongs to the beneficiary as of the first day of the month following the date of application, or from the moment proceeding is initiated ex officio, and all other rights from the date their recognition in the procedure. At the time of enforcement of the Regulations, Center already had information for all categorized children and it was obliged, ex officio, to initiate, with no delays, procedure of evaluating needs of juveniles with disabilities in accordance with the provisions of Article 67. of the Law on Social Protection and the Regulation on the Assessment of the Needs and Education of Children and Youth Challenged in their Development.
VII THE RIGHT TO EDUCATION

For each child and society in whole, education is the key factor that must be a priority to all. UN Convention on the Rights of the Child, Universal Declaration on Human Rights and many other international documents on human rights recognize the right to education as one of basic human rights and oblige signatory countries to enable, based on equal opportunities for all, implementation of this right. Education is one of key factors for implementation of children rights, because children in educational system do not only exercise their rights but also they learn about rights they have within their family, health and social sector, right to participation, right to express opinion, right to access information, right to protection from violence, abuse and neglecting and other rights.

While the Article 28. of Convention relates to state obligation to establish educational systems and provide access to those systems, Article 29. emphasizes individual and subjective right to a certain quality of education. This article obliges to establishing system of education where a child is in a focus, where the 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.

The highest increase of complaints that Institution had acted upon and that indicate violation of children's rights are related to the system of 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 such as – addiction diseases, reproductive health, protection from violence and similar.

In discussions with students and schol managements Ombudsman for Children has pointed out very different situations that jeopardize exercising of education rights of children on different basis – problems of school discipline, student assessment, and school curriculum, students' transportation, excursions, selections of the student of the year, extracurricular activities in the school, inadequate cooperation of parents and school, etc.

1. Prevention programs are integral part of school curriculum

Education is not just one of the basic human rights but it is a key factor to implementation of children’s rights in general, because children involved in educational system not only can exercise their education rights but they also learn about rights they have in their families, health and social sector, and in local community.

105 UN Convention on the Rights of the Child, Article 28.: “States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:
(a) Make primary education compulsory and available free to all;
(b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
(c) Make higher education accessible to all on the basis of capacity by every appropriate means;
(d) Make educational and vocational information and guidance available and accessible to all children;
(e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.
107 UN Convention on the Right of the Child, Article 17.
109 UN Committee for the Rights of the Child, General Comment No.1., Goals of education, point 9.
Education is much more than just formal schooling and normative right of every child, it encompasses wide specter of life experiences and processes of learning which enable children, individually and collectively, to develop their personality, talents, skills and abilities – to induce healthy lifestyle, learn non-violent problem solving, think critically and many other skills that will prepare them for the world of adults and independent life within it.

The goals of education are defined by the Law and in accordance with UN Convention and for given goals it is necessary to have curriculum that will be adjusted to the age of children, their needs and capabilities because only in this way accomplishment of the given goals will not be jeopardized.

All agree that current curriculum is too broad; there are too many individual subjects with too many learning units, exhausting schedule, no time for explanation. In race for realization of the school curriculum there is not enough time for testing adopted knowledge nor for correctional work with children.

On one side school curriculum is extensive and on the other side it does not include those topics that are necessary for proper growth and development of children that children should be informed of in the school such as student’s health protection, protection from different forms of violence, abuse and neglecting, different forms of risky behavior, etc.

On the occasion of the International Day of Human Rights, Ombudsman for Children, Republic Pedagogic Institute and Ministry of Family, Youth and Sports have jointly organized and held Round Table on topic “Violence Prevention Programs are Integral part of School Curriculum”, where present were representatives of the Ministry of Family, Youth and Sports, Ministry of Internal Affairs, Republic Pedagogic Institute, Educational Inspection, Gender Center, Primary and Secondary Schools and Non-Government Organizations that implement programs of children education in the schools.

All participants have welcomed initiative and stressed the importance of prevention and need that children, from their earliest age, get information in the school on how to exercise their right to protection from different forms of violence, abuse and neglecting.

Joint position is:

- prevention programs must be part of educational system,
- program must be continuous, adjusted to the needs and age of a child and it must involve children from their earliest age,
- program must be part of all school activities and it should have all school resources at its disposal in creating environment where school is a safe place for children, where nourished is trust and mutual recognition and respect, where personal capacities of each student are strengthened as well as the cooperation with parents and local community and peer education is encouraged,
- for program implementation it is necessary to create appropriate presumptions that primarily relate to the need of educating those employed in the educational system.

Understanding and implementation of human rights is very important part of preparation of children for life in democratic society; therefore it is necessary to establish, by changes and amendments of the Laws on Primary and Secondary Education, that:

- programs of protection from violence, abuse and neglecting, programs for health protection of students and for different forms of risky behavior such as use of alcohol, tobacco, juvenile delinquency, are the integral part of school curriculum and are implemented through various curricular and extracurricular activities.
Based on the importance of the prevention programs in protection of children from different forms of violence, abuse and neglecting, Ombudsman for Children, in accordance with its authority, has proposed to the Ministry of Education and Culture to take necessary measures and activities that will make prevention programs integral part of school curriculum, in a way that it:

- Defines violence protection program before the beginning of the next school year and to make it part of school curriculum that would be implemented during homeroom classes.
- 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 forms of violence, what are the consequences on child’s growth and development, whom and how children address with this problem, what is the obligation of competent institutions according to the Protocol on Proceedings in a Case of Violence, Abuse and Neglecting of Children.
- Necessary consultations about proposed program with the experts from this field, especially with those employed in educational institutions, should be done,
- Training plan and program for employees of the educational institutions should be determined in order to implement defined program.

2. Student files

The Law on Primary Education, Article 69. prescribes that school maintain student file for each student in order to have continuous monitoring of student’s work and development. The law establishes the obligation of the school to organize monitoring, education, supervision and encouraging of talented students and to organize additional activities that meet those student’s tendencies, abilities and interests (Article 48. Paragraph 1). In addition, schools are obliged to organize additional classes during school year for students who have trouble in meeting requirement of school curriculum (Article 49.) and to monitor interests and tendencies of students and help them in choosing their future secondary education (Article 50.).

In accordance with the Law, the Regulation on Maintaining Student’s Files in Primary School\(^\text{110}\) that establishes content and the way of maintaining students’ files, among other, it prescribes that:

Having students’ files enables:

a) Comprehensive insight of student’s personality,
b) Insight in social and economic conditions and interpersonal relations within the student’s family and effect it has on development of a student,
c) Individual approach to every student,
d) For a new teacher – getting to know students timely,
e) For teachers in the new school – getting to know students in shorter time,
f) Comparing observations of more than one teacher about single student and making appropriate conclusions,

g) More efficient cooperation of teachers and parents in encouraging work and development of a student, and

h) Using data on interests and abilities of students in directing them on education that is in accordance with their interests and abilities.

Article 3., paragraph 3. of the Regulations prescribes that on the request of Secondary School, by official delivery, student file is submitted by Primary School which student had attended.

The Law on Secondary Education, Article 61., prescribes that for the needs of continuous monitoring of work and development of a student, school creates and maintains student files for each student based on the data received from primary school.

All schools are obliged to have student files as of 2011/2012 school year for all grade one and grade nine students. The Regulation has been enforced on December 30th, 2010 but it’s still not applied in all schools.

Certain numbers of primary schools have confirmed to the Institution that student files have not been taken over by secondary schools and primary schools can not send them without official request and they already have a problem related to keeping files of students who have completed primary education.

Since the Law prescribes that secondary schools create and maintain student files for each student, based on student files taken over from primary schools, Ombudsman for Children has proposed Ministry of Education and Culture to:

- Have inspection of application of the Article 61. of the law on Secondary Education in all secondary schools and to:

- Oblige all secondary schools to officially request, until the end of school year, the student files from primary schools for school year 2011/2012 and 2012/2013,

- Oblige all secondary schools to, during the current school year, for the needs of continuous monitoring of student’s success, request and take over student files from primary schools those students have attended.

3. The assessment of the competence of a teacher

For a certain number of cases that Institution has acted upon, which indicate the violation of rights and interests of students related to their assessment, Institution has addressed Republic Pedagogic Institute as the competent body.

Republic Pedagogic Institute acting upon request of Institution, in its analysis, among other things, states that a teacher is professional and objective in his/her assessment of a student’s knowledge.

At the same time in the same analysis Republic Pedagogic Institute summarizes that results gotten from objective assignments (testing was done in the classes chosen by Pedagogic institute) indicate that most of the students had completed assignments poorly or results were unsatisfying. In addition, Pedagogic Institute concluded that in these cases cooperation with parents was not achieved nor children rights were fully respected.

Statements made in this analysis are opening a new question – based on which criteria Republic Pedagogic Institute makes assessment of teacher’s competence since it not explained in the analysis nor assessment was related to a normative act that regulates this issue.
Same question is raised in segment of objectivity: are there and which are the standards of objectivity in assessing, is testing done only in a homeroom of a student or in all classes same teacher teaches, are results of testing given for an inspection and to whom, and similar, is there same approach in assessing objectivity for all subjects or approach depends on the subject or it is bases on individual case assessment, what are the consequences of founded impartiality and for who,…

The Law on Primary Education, Article 156. state:

(2) Professional-pedagogic supervision is done by Republic Pedagogic Institute, actually by Inspectors- educational advisors for subject or group of subjects.

(3) Ministry passes the Regulation on Implementing Administrative and Professional-Pedagogic Supervision.

Professional-Pedagogic supervision includes monitoring of school curriculum, organization and implementation of curriculum and other forms of educational work in the school, and professional and pedagogic work of teachers and professional associates.

Since the task of professional-pedagogic supervision is monitoring of professional-pedagogic work in educational institutions, the supervision for a goal has improvement of educational process and quality of work, and strengthening capacities of educational institutions in achieving education goals as defined by the Law.

According to the Article 108. of the Law, priority task of a teacher is reaching goals of education as defined by the Law.

In order to implement education goals defines by the Law that emphasize complete, harmonic and individually adapted approach to the development of potentials of each child, development of creative and critical thinking, development of communication skills, cooperation and responsibility and similar, teachers are expected to have competencies not related only to the subject they tech but also those related to supporting development of student’s personality and communication and cooperation – motivation of student, discrimination prevention, building tolerance, prevention of various forms of violence, abuse and neglecting, etc.

Regulation on professional training, assessment and advancement of teachers, professional associates and directors in kindergartens, primary and secondary schools and children’s homes in Republic of Srpska\textsuperscript{111} prescribe, among other, elements for evaluation of competence and quality of work of teachers that include:

\begin{itemize}
  \item[a)] success in work with students,
  \item[b)] success in extracurricular activities,
  \item[c)] success in professional training.
\end{itemize}

Success in work with students, as an element of teacher’s competency, also includes:

\begin{itemize}
  \item respect for children’s rights and
  \item cooperation with parents of students.
\end{itemize}

Since teachers have the key role and responsibility in improvement of educational process as they immediately affect students work and development, their evaluation and assessment in very important. Here responsibility lies on those who monitor and asses the work of teacher and give evaluation on teacher’s competence.

\textsuperscript{111} Regulation on professional training, assessment and advancement of teachers, professional associates and directors in kindergartens, primary and secondary schools and children’s homes in Republic of Srpska, “Official Gazette of Republic of Srpska”, number 78/06
Pedagogic Institute’s process of assessing and evaluating teacher of being competent, highly competent and similar without explanation or relevant documentation, is contrary to the basic goal of professional pedagogic supervision what eventually leads to violation of children’s rights and interests.

In order to overcome these situations and for the sake of improving educational work, Ombudsman for Children, in accordance with its legal authorities, has made proposal to Republic Pedagogic institute to take measures that will prevent activities that endanger rights and interests of student, in a way that:

- while doing pedagogic supervision and monitoring, in a part related to competence and objectivity of teachers, it evaluates every element of competence and quality of work of teacher as defined by the Regulation,
- while doing assessment of the competence based on objectively placed criteria used in all situations when there is suspicion or complaint indicates insufficient competence and/or objectivity of a teacher, and
- on its web page it should publish all normative acts related to the professional pedagogic supervision so they would be at disposal to teachers, students and parents.

4. Disciplinary responsibility of persons employed in educational institutions

Goals of education defined by Convention on the Rights of the Child and the Law on Primary and Secondary Education are in direct link with the implementation of children’s rights in general and not only with education, and as such they are focused on protection of basic values guaranteed by Convention, and it is, before all, human dignity of a child.

At the same time, Convention emphasizes that in focus there must be age of child, its needs and developmental capabilities, actually, the best interest of the child must be priority in each situation and in implementation of guaranteed rights for every child.

Education, according to the Convention, is much more than mere formal schooling and it encompasses whole variety of life experiences and processes of learning that enable children to develop, individually and collectively, their personalities, talents and capabilities.

Question of school discipline is important for educational system and it is presumption for independent work, homeroom work and work of entire school. Here very important is to clearly define question of disciplinary responsibility of a student and employees of educational institutions.

The Law on Primary Education, Article 117, paragraph 1., defines serious violations of work duties by employees and paragraph 2. of the same Article defines disciplinary measure for committed serious violation of work duty.

The Law on Secondary Education, Article 87, paragraph 1., defines serious violations of work duties by employees and paragraph 2. of the same Article defines disciplinary measure for committed serious violation of work duty.

The Law leaves it to schools to regulate with their normative acts all other issues that relate to validation of responsibility of employees, initiation and disciplinary proceedings, imposing disciplinary measures for committed violation, appeal on passed decision. The Law on Secondary Education, Article 93., prescribes that all issues related to the rights, obligations and responsibilities of school employees that are not regulated by work agreement and this
law, are regulated by Special collective agreement for all employed at institutions for education and culture of Republic of Srpska.

The Law, in Article 140., establishes the obligation of schools to harmonize its organization and general acts with the provisions of this Law in period of eight months from the day law is enforced.

Acting in a number of cases where violation of student’s rights in educational system was indicated, and in connection with the violation of work obligation and based on their responsibility related to the violation of work obligation within educational system, Ombudsman for Children states:

- regulation on disciplinary responsibility of employees, based on the laws on education, in certain number of schools has not been passed yet; as a legal basis taken is the Law on Labor, Collective Agreement and Special Collective Agreement for educational institutions,
- school Regulation, even when it is passed and in accordance with the laws related to education, it does not follow changes of the laws and it is not harmonized with changes and amendments made on the law,
- schools have different approach in defining competent body that passes decision on disciplinary measure,
- schools have different approach in determining violations of work responsibilities in part of serious violations of work responsibility besides the fact that they have been defined by the law,
- schools have different approach in disciplinary proceedings,
- school Regulation is enforced from the day it has been passed,
- school regulation is not published publicly.

In accordance with the Law on Primary and Secondary Education, responsibility lies on director of school who provides protection of students’ rights, students health and their safety in the school, takes measures for protection of students’ rights, meaning that director is obliged, in all cases when he learns of any form of violence against children committed by school employee, to initiate procedure of determining employee’s responsibility.

Initiation and disciplinary procedure requires clearly define rules and procedures that, in accordance with the law, provide protection of students’ and employees’ rights.

Bearing in mind that the question of disciplinary responsibility of employees for violation of their work obligation in educational institution is not appropriately normatively determined, and that schools have very different approach in initiating and having disciplinary proceedings and stating disciplinary measures for serious violations of work obligations as defined by the law, it all leads to violation of rights of students in educational system and it is necessary that competent Ministry, in accordance with its authorities, and related to establishing responsibility of educational institutions employees in violating their work obligation, takes all necessary measures for preventing activities that lead to violation of student’s rights, in a way that, in accordance with the Law, all questions related to the violation of work obligation of employees and their responsibility in educational institutions, are defined by Regulation in unified manner.
5. 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, and it 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 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.

Technical School in Banja Luka is one of the schools that had fully accepted recommendation of Ombudsman for Children, what speaks of presence of this problem in educational institutions. Institution had received complaint that indicates violation of children’s rights in educational institution and it was related to imposing correctional-disciplinary measures for NN student of IV grade.

In the complaint it is stated that on September 25th, 2013 against student imposed was disciplinary measure of reprimand of Teachers Council because student used mobile phone during the class. At the same time, due to the imposed correctional-disciplinary measure, student’s behavior at schools is evaluated as insufficient.

Representatives of the Institution have visited Electronic-Technical Secondary School on October 28th, and on that occasion they requested all school documentation that relates to imposing correctional-disciplinary measures for students. With the explanation of school management for stated case, delivered also were copies of:

- Regulation on Rights, Obligations, Disciplinary and Material Responsibility of a Student, number 155/10, dated March 10th, 2012
- Decision on responsibility based on violation of obligation number 414-02/13, dated September 30th, 2013
- Appeal to decision number 414-02/13, dated September 30th, 2013.

From delivered documentation it is indisputable that:

1. Regulation on Rights, Obligations, Disciplinary and Material Responsibility of a Student from 2012
   - is not harmonized with the Law on Secondary Education,
   - is not in accordance with Article 7. of the Law on Secondary Education, since opinion of Student’s Council was not requested in process of making decision (Decision of the Constitutional Court of Republic of Srpska, number U-26/11, dated September 26th, 2012),
   - Article 12. of the Regulation defines other serious violations of student’s obligations and it leaves possibility for other violations that are defined by other school acts, what is contrary to the Article 65. of the Law,
   - Article 21. defines who and to whom submits complaint for violation of student’s obligations, with the exception stated in the same Article, paragraph 5, stating that body competent to impose disciplinary measures can prove violation and
responsibility of a student without report of immediate knowledge about existence of the violation. Regulation does not define what immediate knowledge of Teacher’s Council means, when it determines existence of violation and decides on student's responsibility without it being reported,

- Article 23. defines that school director can decide to initiate disciplinary procedure for committed serious violation, meaning that director does not have to initiate disciplinary procedure, however, Regulation does not define cases or conditions that authorize director to choose if disciplinary procedure will won’t be initiated.

2. Decision on responsibility based on violation of obligation, number 414-02/13 dated September 30th, 2013 is

- Standard form that does not contain data which Decision on responsibility must contain and on the other side "stated" data are contrary to the provisions of School Regulation.

- Decision, inter alia, was passed based on the Regulation on evaluation of students enrolled in the school and for taking exam test in secondary school (“Official Gazette of Republic of Srpska”, number 28/01 and 22/01) which ceased to be effective from the moment the new Regulation was passed (“Official gazette of Republic of Srpska”, number 73/13).

- Decision states that Council of Teachers on its session held on September 25th, 2013 has passed decision that enforces correctional-disciplinary measure for use of mobile phone during the class and inappropriate behavior, but, however, decision does not state the exact day when student made violation nor at which subject class violation has happened.

- Decision does not contain explanation.

- Disciplinary procedure has not been initiated; there is no written record on complaint about student’s obligation violation, no written statement – position and opinion of a student about committed violation.

- Based on disciplinary measure stated in the Decision, student’s behavior is evaluated as unsatisfactory, even though Article 15., Point 4. of the school's Regulation prescribes that reprimand by Teachers Council implies to student’s behavior being evaluated as bad.

- In the explanation of decision stated are provisions of Article 58/, paragraph 9. and Article 30. of the Regulation on assessment of students that has been put out of force before disputed decision was made.

- It is not stated in the explanation if against student there were prior disciplinary measures and on which grounds.

3. Appeal made on passed Decision emphasizes that mobile phone was not used during the class “but teacher had noticed that student has mobile phone under his desk which he did not use to make calls or to distract teacher or other students”.

Article 65. of the law on Secondary Education states that – for violation of student’s obligation following disciplinary measure can be imposed:

a) reprimand of homeroom teacher,

b) reprimand of homeroom council,

c) reprimand of Director,

d) reprimand of teachers Council,
Same Article states:

4. Student may be held responsible for violation of obligation that was **proven** and committed when it was defined by this Law and general Act of the school.

5. Serious violation of obligation is:
   - use of mobile phone during the class.

Goals of education as defined by 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 stating 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 passed on the basis of the Law, and therefore it has violated the rights of a student that are prescribed by the Law and which are in child’s best interest.

Failures of the school relate not only to the fact that school did not clearly define questions of disciplinary responsibility of a student (it did not harmonize the Regulations of the school with the Law on Secondary Education) but it also did not initiate or had disciplinary procedure for establishing student’s responsibility and it did not properly and completely establish all facts and circumstances that had influence on decision making process in this concrete case. The Law defines that student may be held responsible only for violation of obligation that was proven. This provision 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.

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.

Having in mind all above stated, Ombudsman for Children has proposed Electronic-Technical School in Banja Luka to take all measures and activities that would eliminate situations that lead to violation of rights and interests of children in a way that:

**School Board**

- invalidates Decision of the Teachers Council number 414-02/13, dated September 30th, 2013 on imposing correctional-disciplinary measures for a student of IV grade,
- immediately initiated is the procedure for changes and amendments of the Regulation on rights, obligation, disciplinary and material responsibility of students, number
155/10, dated March 10th, 2010 and its harmonization with the Law on Secondary Education (“Official Gazette of Republic of Srpska”, number 74/08, 106/09 and 104/11).

**School Director**

- establishes reasons why school did not harmonize its Regulation on rights, obligation, disciplinary and material responsibility with the Law, and why school applies the Regulation on evaluation of students enrolled in the school and for taking exam test in secondary school that has ceased to be in force,
- in all future cases of establishing responsibility of students for violation of obligations, disciplinary proceedings and passing correctional-disciplinary measures, director will provide legal procedure and legal correctional-disciplinary measures that are in accordance with the educational goals and with the child’s best interest.

**6. Initiative for instigation of a procedure for assessment of constitutionality and legality**

In order to finally define question of responsibility and protection of rights and interests of students and employees of educational institutions, all in accordance with the Law, the Institution has instigated initiative for assessment of constitutionality and legality before Constitutional Court of Republic of Srpska of:

1. Regulation on Disciplinary and Material Responsibility of Employee of educational institution, Article 28., of the Technology Secondary School from Banja Luka.

Regulation on disciplinary and material responsibility of employee of Technology School Banja Luka passed by School Board on November 1st, 2010, in Article 28., states that:

“(1) Disciplinary Commission, after completion of procedure and establishing facts is suspending procedure if the statute of limitation for initiating and conducting procedure has occurred, it frees employee of responsibility or it states the measure of:

a) penalty in amount of 20% of employee’s monthly net salary when violation was committed, for period of three months or

b) until termination of employment.

(2) Director may change measure of termination of employment for serious violation of work obligation with fine in amount of 20% of employee’s salary in a period of three months if employee’s violation did not cause much more severe consequences for school, if degree of responsibility is reckless negligence and if identified mitigating consequences are for the employee. Relevant to the above stated circumstances and on the request of the employee and disciplinary commission, separate decision is being made.”

Article 28. defines:

- decision is passed by commission,
- for severe violation of work responsibility commission may impose penalty measure-fine,
- imposed measure of termination of employment can be changed with the measure of monetary fine under conditions defined by the Regulation,

The school has overstepped its competence and authority and it defined question of competency and disciplinary measure for severe violation of work responsibility contrary to the Article 87. of the Law on Secondary Education, hereinafter the Law (Official Gazette of Republic of Srpska”, number 74/08, 106/09 and104/11).
Since the Law defines severe violations of work responsibility (Article 87., paragraph 1), competent body that imposes measure if found that any severe violation of work responsibility has been committed (Article 86., paragraph 3. and Article 87. paragraph 2.) and what is the sanction for committed violation (Article 87. paragraph 2.), than school does not have authority to regulate these questions contrary to the provisions of this Law.

Article 87., paragraph 2 of the Law prescribes:

“(2) If it is found that a teacher or an associate has committed severe violation of work responsibility, director of school is canceling their work agreements.”

Article 86., paragraph 3 states:

“(3) Director makes final decision and imposes disciplinary measure.”

Article 68. of the Constitution of Republic of Srpska, inter alia, states that:

Republic defines and provides:

12) labor relations, work safety, employment, social insurance and other forms of social protection, health care, protection of war veterans and invalids, care for children and youth, education, culture and protection of cultural heritage, physical culture.

In accordance with stated constitutional provision it is in exclusive competence of legislator to define and provide implementation of rights enlisted under Point 12.

Normative regulation of responsibility of educational institution’s employees, as it is regulated by stated Regulation and Technology Secondary School from Banja Luka is just one of many schools who have the same approach in normative defining of disputed situation. Not only that it is in disagreement with the Constitution and the Law, but it is contrary to the defined goals of education and with the best interest of the child, as well as to the right of child to protection from any form of violence, abuse and neglecting.

Penalty policy that prescribes just monetary fine for educational institution employees who have committed violence against children is yet another form of child abuse.

2. Regulation on Disciplinary and Material Responsibility of a student of Primary School “Georgios A. Papandreu” Aleksandrovac, number 610-01-526/10 dated September 16th, 2010, especially provisions of

Article 7. Paragraph 1., point 5. and Paragraph 3.

Article 12., Paragraph 1

Article 16., Paragraph 1, Point 4, 7, 13, 14, 15, 16.

Article 7., Paragraph 1., Point 5. of the Regulation on Disciplinary and Material Responsibility of a Student states: For violation of student’s obligation or unjustified absence from school following correctional-disciplinary measures can be imposed:... transfer of a student to another homeroom class.

Article 7., Paragraph 3. states: reprimand by school Principal, Teachers Council reprimand, transfer to another homeroom class and transfer to another school and all those measures are imposed for severe violations of student obligation that are defined by the Regulation.

Article 12., Paragraph 1. states: If student unjustifiably is absent from more than 25 classes or student commits severe violation of obligations that are prescribed by the Law on Primary Education, on proposal of Teachers Council such student can be transferred to another homeroom class within same school and final decision about student’s transfer is made by school Principal.

Article 16., Paragraph 1., Point 4, 7, 13, 14, 15 and 16 states:
Defined as serious violation of student’s obligation-discipline are:

- political or other form of organizing within the school which disturbs teaching,
- failure to comply with regulations on safety at work,
- disobedience or violence against teachers and professional assistants,
- unauthorized assisting of other students during the course of evaluation,
- behavior contrary to decisions and instructions of school that has harmful consequences,
- giving false information in order to deceit.

With Regulation definition of:

- severe violations of student’s obligations that are not defined by the Law and
- correctional-disciplinary measures for severe violations of student’s obligation that are not defined by the Law, school has overstepped the frame of its competence and authority and the question of severe violations of student’s obligation and correctional-disciplinary measures for such violation it has regulated contrary to the Article 82. of the Law on Primary Education.

The Law on Primary Education defined severe violations of student’s obligation (Article 82., paragraph 7.), correctional-disciplinary measures that can be imposed on student for violation of obligation that is defined by the Law (Article 86., paragraph 6.) and school does not have the authority to regulate these questions contrary to the provisions of the Law.

Normative regulation of student’s responsibility in educational system, as it is prescribed by the stated Regulation, noticing that Primary School “Georgios A. Papandreu” is just one of many schools that has the same approach in normative regulation of controversial situation, not only being in disharmony with the Constitution and the Law, but it is contrary to defined goals of education and the best interest of a child, and child’s right on protection from any form of violence, abuse and neglecting.

Confirming possibility that for violation of obligation student can be imposed with correctional-disciplinary measure that is not prescribed by the Law, actually, student may be held responsible for severe violation of obligation that is unknown to the Law, it becomes the violation of children’s rights, creates insecurity for children, their parents or guardians in implementation of children rights and interests.

7. Students transport

Institution of Ombudsman for Children has acted upon complaints that indicate violation of students’ right to transportation from school to home.

Implementation of the right to transportation normatively is clearly defined so the Government provides the funds for financing transportation for students who live at least four kilometers from school (Article 153. of the Law on Primary Education), and Ministry provides funds for transportation of students who live more than four kilometers away from school within school enrollment area (Article 53. of the Regulation on Financing primary Schools).

Institution of Ombudsman for Children, on few occasions, was addressed by parent, who has stated that Transportation Company that does transport of students in certain area has driven children with technically defective vehicle and therefore jeopardized safety of children who use their transportation services.
About the above stated parent has informed competent inspection.

Problem lays in the fact that school; after completion of public procurement procedure concluded an agreement on student transportation with certain Transportation Company and yet the actual transportation was done by third person engaged by Transportation Company, even thought such possibility was not predicted by the agreement.

Educational Inspection besides making statement that person who does the transportation of students is not defined or proposed by Agreement on Transportation of Students, did not order school to take measures that will remove stated irregularities.

Traffic Inspector, acting in accordance with his authorities prescribed by the Law, has stated following:

- a third person has transported students with vehicle for which he does not have appropriate license, and therefore, aforementioned was banned in Decision to provide transportation for students,
- agreed transportation of students instead by Transporting Company which has signed Agreement, is done by independent transporter based on the concluded internal agreement between two transporting companies,
- the Law prescribes that special form of transportation is done based on the concluded agreement with service user, by it own vehicle or leased vehicle, and the Law does not predict or define that by internal agreement “sub-contractor” of services can be introduced, what in this concrete case was done,
- if it is found that service of special transportation is done by Transporting Company which does not possess license for such service and vehicle, the same will be taken off the road, inspection of the procedure of selection of transporter will be done and sanction for minor offence will be imposed against perpetrator and responsible persons.

From the above stated it is obvious that:

- School has concluded agreement on transportation of students with one Transporting Company and the actual transport of students was done by another Transporting Company with whom school does not have agreement,
- Competent traffic inspection, on a few occasions, have found irregularities in performing students transport,
- In spite of ban on transporting children passed by traffic inspector, transport of children was still done by second Transporting Company,
- The school, only at the insistence of Ombudsman for Children, has taken over responsibility for students’ transportation in accordance with the Law and implemented procedure of transporter selection.

In accordance with the Law on Primary Education, Article 129.: 

1. School Principal is responsible for legality of school actions,
2. School Principal provides protection of students’ rights, students’ health and their safety in the school,
3. Principal takes all measures to provide protection of students’ rights.

Failure of school in organizing transport of students: enabling, contrary to the signed agreement on transportation, that transport of students is done by person with whom school does not have an agreement and who, at the same time, does not meet requirement for performing student transportation, and not taking measures for removing stated
irregularities, are direct threat to students’ safety. Based on the stated facts and circumstances, Ombudsman for Children, besides its recommendation to school for removing irregularities in this concrete case, also delivered recommendation to the competent Ministry for taking all necessary measures and activities for preventing schools to jeopardize rights and interest of children with the goal of improving the work of competent institutions and preventing similar failures in the future.

8. Proceedings of the Republic Education Inspectorate

Ombudsman for Children of Republic of Srpska on a few occasions, acting upon complaints that indicate violation of rights of students within educational system, has requested Republic Education Inspectorate to act in concrete case and do inspections, actually to have insight in general and individual acts, work methods of institution in subject, determines if the procedure of competent school body and relevant decisions are in accordance with positive laws and the best interest of a child.

According to the law, inspection for a goal has implementation and protection of public interests and it is done by taking inspection measures and activities that will align the found situation and legal provisions.112

112 The Law on Inspections in Republic of Srpska, "Official Gazette of Republic of Srpska", number 74/10, 109/12, 117/12, Article 2. Paragraph 3

113 Regulation on Evaluation of Students in Primary School, „Official Gazette of Republic of Srpska”, number 108/09, Article 42., Paragraph 2. states that „assessment of students behavior in case when correctional-disciplinary measure is imposed for violation of students' obligation and unjustifiable absence form classes and other forms of correctional-disciplinary work,...
of Students in Primary School that inspector mentions, is not nor can it be a basis for initiation and instigation of disciplinary procedure against student.

**Education Inspectorate in process of inspecting school proceeding related to imposed disciplinary measure against teacher does not state the fact that the Regulation on Disciplinary Responsibility of School Employees is not passed as it is required by the Law on Secondary Education, nor it orders school to take all necessary measures to eliminate existing situations**

In case 1813-281/11: on request of Institution, Republic Education Inspector has performed inspection of school proceedings on imposing disciplinary measure against teacher. In his findings, among other things, Inspector states: With inspection of Regulation on Disciplinary and Material Responsibility of Employee it is found that Article 5. defines severe violation of work obligations, that Commission based on its independent opinion passes decision on disciplinary responsibility of an employee taking in account all relevant circumstances, that Commission after conducted procedure had given proposal to the Principal for imposing disciplinary measure and according to the stated facts school Principal has acted in accordance with the Regulation on Disciplinary and Material Responsibility of School Employees.

Regulation on Disciplinary and Material Responsibility of School Employees was not passed in accordance with the Law on Secondary Education nor has it been harmonized with it. Regulation states that all issues that are not regulated by Regulation will be defined by the Law on Labor and General and Special Collective Agreement. Regulation was enforced from the day it was passed.

**3. Education Inspectorate in performing inspection of school procedure related to imposed disciplinary measure against student does not state that Regulation on Disciplinary Responsibility of a Student, contrary to the provisions of the Law, defines other severe violations of student's obligations and other correctional-disciplinary measures**

The Law on Primary Education\(^{114}\) and the Law on Secondary Education\(^{115}\) define severe violations of student's obligations. The Law does not leave possibility that Regulation defines new, severe violations of student's obligations.

Student was imposed with the correctional-disciplinary measure for severe violation of obligation and, among other, for “bringing students of other schools on classes” even though such violation is unknown to the Law and the Law does not recognize correctional-disciplinary measure of “transferring student to another homeroom” as it is prescribed as a correctional-disciplinary measure in some schools.

**4. Education Inspectorate in performing inspection of school procedure related to students transportation gives statement from which irregularities in proceedings of school can not be seen and yet, it does not order school to eliminate those irregularities**

In case number 1389-94-PZ/12, parents have filed complaint to the Ombudsman for Children that indicates violation of right of a child to student transportation that is being organized contrary to the positive legislative. On request of Ombudsman for Children, Republic Education Inspector has performed inspection in this school and found that the person providing transport of students is not defined or proposed to provide transporting service, actually, the school has signed agreement on transport of students with one transportation company and transportation services were provided by another transportation company.

\(^{114}\) The Law on Primary Education, Article 82., paragraph 5

\(^{115}\) The Law on Secondary Education, Article 65., Paragraph 9
Even though in this concrete case it is indisputable that service was provided by a third person with whom school did not sign an agreement and that third person did not have appropriate license (Traffic Inspectorate on a few occasions intervened and stated numerous violations), Education Inspector did not order any measures to school in order to eliminate irregularities but he just stated that transportation of students was done by a third person with whom school did not sign agreement on transportation of students, actually, that this "transporting company is not defined nor predicted by signed agreement on student transportation.”

This approach (mere paraphrasing of situation well know to all involved in case) actually gives right to school to organize student transportation in the same way, what school has stated in its response to the Institution: “Also, we emphasize that in previous inspections of transportation company service there were no objections on signed sub-agreements and only by last inspection it was stated that company which signed agreement on transportation of students cannot make sub-agreements with other transportation companies.”

5. Education Inspectorate, on request of Institution to complete inspection, delivers response of Republic Pedagogic Institute on professional pedagogic supervision, taking supervision for inspection

In case number 93-7-PZ/13 primary school student’s parents have complained on director’s actions (collection of funds from students and renting school premises). Republic Education Inspector had informed Ombudsman for Children that in stated school inspection was done and he concluded:” Inspectors- education associates have done urgent supervision in stated school and wrote Minute on professional pedagogic supervision number 07-2.01/013-614-38/13 dated February 6th, 2013 where subject case is complaint of a group of parents of primary school students made to ombudsman for Children of Republic of Srpska”. In abovementioned response it is just stated that supervision was done by Republic Pedagogic Institute Inspector without mentioning that inspection by Education Inspector was done.

The Law on Primary Education prescribes that inspection on application of the law and other regulations related to education is done by Republic Education Inspectorate that is one of department of Republic Institution for Inspections while professional-pedagogic supervision is done by Republic pedagogic Institute, actually its professional advisors for subject or group of subjects, meaning that the fact that some other body has completed supervision does not exclude obligation of Inspector to do requested inspection especially when in account it is taken that those are different kinds of supervision as it was the case in stated case.

6. Enforcement of general acts of school, according to the Constitution, must be clearly and definitly prescribed

School Regulations in schools where inspections were done, according to the provisions of the Regulation are put in effect contrary to the provisions of the Constitution which prescribe that the laws, provisions and other general acts are effective on the eight day of their publishing. Since enforcement of the provision, actually its application depends of the day of the publishing, it is unacceptable that Education Inspectorate states that school has acted in accordance with Regulation and yet that same Regulation was never published and consequently it was never enforced. Usually, enforcement of Regulation is defined in manner that "Regulation is enforced from the day it was passed”.

116 Response of School Board to Ombudsman for Children's recommendation dated July 4th, 2013
117 Response of Education Inspectorate number 24.120/616-231-12-2/13 dated February 15th, 2013
118 The Law on Primary Education, Article 156.
Constitutional provision and also decisions of Constitutional Court of Republic of Srpska, which are according to the Law generally binding and executive¹¹⁹, oblige Inspectorate that while inspecting application of the law in educational institution they should also check if normative act, that is being used, has been enforced and when.

The role of Inspectorate is to “instigate social discipline in enforcing laws and other provisions by performing inspection, administrative, professional and other tasks”.¹²⁰ (Article 6.)

“Inspection”- includes all inspection activities, taking administrative and other measures and actions, supervision and execution of ordered measures.”(Article 5.)

“Inspection” is immediate insight of an Inspector in general and individual acts, conditions and work methods of institution that is the subject of inspection in implementation of provisions.”(Article 5.)

Inspection is defined by the law which clearly defines competence and authority of inspection, including education inspection. Besides the Law on Inspection of the Republic of Srpska that defines all inspection activities in general way, the Law on Primary Education and the Law on Secondary education specify competence and authority of education inspector in performing inspection of educational institution. Inspection of application of the law and other regulations from the domain of education is done by Republic Education Inspectorate which is part of the Republic Administration for Inspection Tasks.¹²¹

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. (Article 48.)

If inspector in process of inspection finds that provision was violated, in his decision Inspector will order that eliminated are all illegalities, irregularities and failures if he did not already do it in Records or if inspected institution did not remove all established illegalities, irregularities and failures in the given deadline. (Article 57.)

Stated failures in work of Education Inspectorate are just some of those characteristic ones conducted in process of inspection and as result we have that:

1. in performing inspection, Education Inspectorate does not define facts fully,
2. during inspection, Education Inspectorate does not analyze in full provisions that regulate work of subject institution (has school passed General Act, is it enforced, is it in accordance with the law,...)
3. Minutes on completed inspection do not contain all facts and circumstances that bylaw must be stated in the Minutes,
4. in connection with the stated facts (even when they are partially determined) inspection does not pass the act as result of inspection (illegalities, irregularities and failures in implementation of the law and other regulations) and it does not impose measures what it is obliged to do by the law, but it only interprets facts that are already known and which are not answer on requested inspection, leaving to the subject institution to “interpret” analysis of inspection as it finds suitable.

¹¹⁹ The Law on Constitutional Court of Republic of Srpska, Article 6., “Official Gazette of Republic of Srpska”, number 104/11 and 92/12
¹²⁰ The Law on Inspections of Republic of Srpska, „Official Gazette of Republic of Srpska”, number 74/10, 109/12 and 117/12
¹²¹ The Law on Primary Education, Article 156.
By delivering Minutes on completed inspection to the competent institutions, where there is no assessment and position of Inspector if actions in concrete case were or were not in accordance with the law, Education Inspector leaves the assessment of situation to the body that has requested inspection. Institution that was inspected interprets every inspection that did not result with concrete measures as if its proceedings were in accordance with the law. Such approach in conducting inspections is absolutely unacceptable and contrary to legally prescribed competencies and authorities of Education Inspector.

Legally prescribed competencies and authorities of Education Inspector oblige such Inspector to act in each individual case in frame of given authorities, and to determine in complete, professional and independent way all facts and circumstances – first, by analysis of provisions that regulate work of controlled body, and then based on the factual situation and proceedings of the inspected institution with a clear assessment of Inspector on found factual situation and provisions that regulate subject of inspection.

Inspector’s obligation in each individual case, in the Minutes on conducted inspection, is to state following:

a) facts, description of illegalities, irregularities and failures in work, if they found,

b) measures and manner of eliminating found illegalities, irregularities and failures in work,

c) obligation of subject of inspection to inform Inspector of eliminated illegalities, irregularities and failures, and its deadline for information delivery. (Article 52.)

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.

Common is reaction of Inspectorates that they do not have sufficient capacities, referring primarily to the number of number of employees – education inspectors. Such reaction irrelevant because, firstly, they already have proceeded and secondly, no one expects that every school has its own Education Inspector; it is not expected that Inspector does multiple inspection of the same school, based on application of the same provision of the Regulation and in for the same proceedings. Inspector’s analysis in one school, on one basis, must have role of prevention and Inspector should not have to inspect other schools on the same grounds, especially he should not inspect same school on several occasions.

Besides the fact that Education Inspectorate does not use legal authorities in performing inspections, also present are situation, indicated by inspected institutions, where Inspector gave instructions, proposals and statements, orally, for example, the School Book of Rules that is subject of inspection, has numerous faults and is problematic on several accounts. Such oral statements remain just statements and they do not oblige inspected institution because Inspector did not act in accordance with his authorities prescribed by the law and he did not order measures. Legally prescribed authorities oblige Inspector to order school (if prescribed by the law for concrete case to even forbid) taking certain measures, every other “instruction” oversteps legal authorities.

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.

The Law defines that, except in cases related to other state officials, actually local governance officials, Inspector is responsible for severe violation of work obligations in case when he does not take measures or actions he is obliged to take during inspection. (Article 35.)

Since proceeding of Education Inspector in a way that he does not use legally defined authorities in performing inspection is contrary to the best interest of a child and child’s right to protection, not only in inspected case but also in many other situations and therefore, Ombudsman for Children has proposed to the Inspectorate of Republic of Srpska to take measures for prevention of proceedings that additionally violate rights and interests of children in education system in following way:

- the work of Education Inspectors in concrete cases should be analyzed, reasons for failing to use legally prescribed authorities and to take appropriate measures should be established,
- to provide that in all future cases of inspections, Education Inspector completely and properly establishes all facts and circumstances in case that is subject of inspection,
- to determine based on established facts if proceedings of inspected body were or not in accordance with the law, other regulations and general acts,
- to propose measures, in accordance with the law, in all situations when facts indicate that proceedings of the inspected institution were not in accordance with the Law, other regulations and general acts,
- in accordance with the authorities prescribed by the Law, to take necessary measures against inspected institution that does not act in accordance with the measures Inspector has ordered,
- to publish semi-annual information that according to the law is delivered to the competent Ministry on implemented inspections of Education Inspector.

9. Change of teachers and parental strike

Certain numbers of parents have contacted Ombudsman for Children indicating the existing problem that during one school year, more than once teacher of their children was changed. Parents emphasize that just when children got used to one teacher, she was substituted by another and in a very short period of time even the second teacher also was substituted. For this reason, in several schools, parents have organized parental strike in order to stress the existing problem.

Schools explained these situations with job application procedures, defined period of time employment of teachers who substituting other teachers and in this situation they did not see any problem related to the student and their parents.

The most importantly there was no communication between school and parents and students and their parent learned of the change when it happened.

Respecting continuity of the work of teacher with students during school year, change of teacher (especially if it is more than one change) must be justified with objective circumstances and students and their parents should be timely introduced with it and therefore both parents and students would be prepared for it.
Change of teacher itself, especially in the earliest age of children requires new adjustment time for children and if such change is followed by suspension of classes and strike than it is an additional stress for children.

10. Cooperation between school and parents

In a certain number of cases parents addressed directly Institution of Ombudsman for Children indicating violation of children's rights in the schools what implies to non-existence of cooperation between schools and parents. Parents state that they do not expect schools to understand the existing problem nor they expect adequate reaction from school and they state that school will react only after Institution addresses them.

Creating partnership between school and parents is condition without which it is impossible to talk about quality education. Without cooperation of school and parents implementation of the goals of education as they are defined by the law is put to a question as well as implementation of children's rights and best interest of the child in the education system.

Cooperation of school and parents in practice nowadays is reduced to parental meetings and information where parents get information on student’s grades, and about other school activities they know very little and are not involved in them.

According to the Law, parents have the right and the obligation to regularly get informed about success of their children, but also, through parental representatives they have right to participate in deciding about numerous issues related to the work of school. During the Workshops that Institution has organized in the schools, we asked for children's opinion on this issue and all they know is that there is Council of Parents within the school but they have no idea what does Council do and does if it functions at all.

Schools mostly see problem in non-cooperation of parents and their unwillingness to be involved in school activities and in some schools they emphasize excessive interest of certain number of parents for concrete topics and problems that usually relate to the professionalism of teachers, student assessment and school management activities.

Parents usually show interest for cooperation with schools and they believe that this cooperation is extremely important for their children. However, in the practice, this cooperation is missing as well as the more active role of schools on initiating and strengthening of this cooperation.

Parents confirm that they are not sufficiently present in school activities justifying it with the lack of time or with inadequate reaction of school in sense that this cooperation should be established at the beginning of the school year, that rules should be defined, normative acts available, etc.

Some schools emphasize that they have very good cooperation with parents and they believe that this cooperation has contributed to the success of the school and students individually, that they did not have cases of peer bullying, or cases of violence against children.

Therefore, it is obvious that parents do not exercise their legal possibilities in full, that school does not insist on it, that there is no supervision of the effects of this legal possibility, what in final contributes to the fact that communication between school and parents is not two-way communication and that care and responsibility for education of children is not mutual.

Education system today requires partnership of parents and school which is based on continuous cooperation and communication, mutual respect and joint contribution to the success of each child.

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.
Leisure time is very important factor in child's growth and development that should provide it with time to rest and play but also it should contribute to the child's personality development.

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.

Exercising the Right to Leisure, meaning the time when children are not in school or kindergarten, demands cooperation of parents, school and local community who would in planned and joint activity contribute to quality leisure time of children, in accordance with their age, needs and capabilities, otherwise unorganized free time leaves space for development of all forms of socially unacceptable behavior in children.

Besides its contribution to children’s development and maturing, the right to free time, play and leisure also has preventive effect in decreasing risks children are exposed in situation when they do not know what to do. Depriving children of exercising this right, as well as the other rights defined by Convention, is on of the forms of neglecting child and his/her interests.

From their earliest age children have a need for play.

Through play they learn and mature and therefore their interest for play changes as they grow up. Through play they learn and grow up. Play contributes not only to a physical development of children but also to its psychological development and socialization among their peers and adults, they develop their imagination, adventure spirit, strengthens their self-confidence. Games with rules are gladly accepted by children; through them they learn cooperation, mutual trust and logical thinking.

School kids emphasize that, unfortunately, they do not have enough free time and 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. In some schools, unfortunately, as student have stated, sport sections are only active prior to school competitions and then trainings are intensified with those students who already have some experience or are playing for certain clubs, because school needs good players to get qualified for competition.

Secondary School students state 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 data collected through workshops is that lots of children for activities in their leisure time have stated internet and the Facebook what, once again, confirms that children in absence of quality activities use those that are easily accessible. Spending many hours in front of computer (sitting) is not only contrary to 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.
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.

Important role in implementing children right to play and for quality leisure time have parents. Experts warn that time adults spend playing with children has inestimable value for developing self-confidence in children, feeling of protection and trust and it positively affects development of children’s imagination, creativity, adventurous spirit and capability to learn. Quality leisure time within family since the earliest age is especially important for building trust and understanding between parents and children that will have additional importance as children grow up.

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. In some municipalities, besides school sections, children are offered numerous schools of sport, dance, acting, foreign languages, creative workshops, cinema and theater. Yet, not all parents can afford to finance those activities of their children.

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 Report Institution has indicated problems in functioning of children playhouses. Even though question of operating of children playhouses is stipulated by the law, because of the lack of necessary supervision, according to the results of inspection requested by Institution, related to the playhouses inadequate application of the law in the field was shown. In addition to the children’s playhouse the question of children playgrounds also is not adequately solved. With exception of school playgrounds that are part of standard school area, questions that relate to conditions, demands and standards on different basis that must be met are not clearly defined.

Convention on the Rights of the Child, Article 31. defines the right of a child to rest, leisure time and play appropriate to child’s age, possibilities 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.

122 Provision on pedagogic standards and normative for primary education, „official Gazette of Republic of Srpska”, number 51/11
IX SOCIAL AND ECONOMIC RIGHTS

1. Social protection

Social protection is also a right. 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. Children have right to a standard of living adequate to their physical, mental, spiritual, moral and social development.

Since implementation of these rights depends on engagement of the state and its possibilities, it is rather important that in existing circumstances care for children is recognized as the priority.

In reporting period Institution acted upon complaints that have indicated violation of certain social rights of a child, but also of rights that parents that are implemented based on child’s status and are related to one-time financial assistance, child support, etc.

In a complaint submitted to the Institution, mother states: "I am not employed and I do not have necessary funds for living, my ex husband does not pay alimony. As I have no options and yet I have to provide my daughter with clothes and school supplies, I am asking you to help me overcome this difficult situation." Social protection is not only financial help, but a range of measures and activities - services that primarily have a preventive role, but which reduce or eliminate the dependence of the individual and family on social services. Basic problem that Centers for Social Work are indicating is insufficient number of professionals that could respond to the needs of children related to social protection services.

UN Committee for Children's Rights 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 is directly reflected on quality of implementation of children’s rights. Insufficient funding causes numerous problems and risks in relation to:

- satisfying basic needs of child,
- satisfying developmental needs of child,
- needs of child for social integration.

In each of stated situations when child is prevented to satisfy its needs it is considered as the violation of the rights of the child because "State parties will provide in the most possible extend survival and development of a child", and " in accordance with its national

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124 UN Convention on the Rights of the Child, Article 27.
125 Case number 1125-90-P2/13
126 Un Committee for Rights of the Child, 2012 Concluding Observations and Recommendations, Point 52.b
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.\textsuperscript{128}

In relation to the above stated, the most important is timely recognizing of inadequate conditions that child grows up in, so the early intervention would prevent more severe consequences such conditions would have on the child. 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 have found themselves in this situation and who need assistance. Some schools solved this problem in cooperation with students and their parents who, at the end of school year, left their school books on school's disposal. These examples should be example of attitude and responsibility of school to use all its abilities and than in cooperation with Center for Social Work and other competent services in the local community, it should ensure that the right of any child on this basis is not violated. School can not give justifications as they did not know about this problem, parents have never addressed it with this issue, etc. 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.

If parents are not in position to provide care for child's growth and development, what in appropriate procedure was found, than, society has to react and find appropriate methods of providing support and assistance to the child. Inadequate sensibility for providing school books is just one of situations children find themselves in due to the inadequate care of adults.

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.

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.

Complaints indicate that citizens are requested their own requests, lack of expertise of persons who decide upon requests, demanding from citizens to submit various certificates and testimonials, which are later found to be unnecessary or easier obtained by the authority or they already have been submitted because citizens were already registered as beneficiaries earlier. Also, in complaints it is stated that there was no timely respond based on citizen's request, or bodies pass and deliver inadequate written response, information or administrative act.

The Law on Social Protection had widened the list of persons-children beneficiaries of social protection (children without parental care, children challenged in their development, children whose development is challenged by family situation, children victims of violence and trafficking, children with socially unacceptable behaviors and children who, due to special circumstances, are in need for social protection). The Law clearly defines rights of social

\textsuperscript{128} UN Convention on the Rights of the Child, Article 27.
protection beneficiaries, however, for implementation of certain rights necessary conditions still are not created what Centers state in their responses.

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\textsuperscript{129} 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.

In order to implement the right of a child to protection from economic exploitation, in accordance with positive provisions of international instruments, state parties are obliged to normatively regulate, among other, the minimal age limit for employment, work hours and conditions of work as well as the sanctions that would ensure protection of children in this field.

The Law on Labor 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, working hours, protection from performing tasks where there is an increased risk of injury or increased adverse effect on health.

In addition, the Family Law sanctions a parent who abuses parental rights by forcing a child to over - work or to 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.

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

3. Children on the street – beggary

Children that live and work on the street are victims and they certainly need assistance and support.

Institution did not receive any complaints that indicate violation of children’s rights on this basis but by doing research on presence of beggary in Republic of Srpska, it came to data

\textsuperscript{129} UN Convention on the Rights of the Child, Article 32.
which oblige to proper system solutions in order to provide protection to 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.

For the sake of protection of this category of children, Centers for Social Work emphasize the need to strengthen preventive programs and activities.

Roma Associations that Institution has contacted, in addressing this issue in the first place put the responsibility of parents.

Public Security Centers emphasize that problem of beggary demands greater attention and better coordination of institutions that work on solving this problem and involvement of many other institutions and agencies it this issue (State Boarder Police, Municipal Police, Inspection Services). The only solution to this problem is prevention; actually, measures of family-legal protection should ensure proper parental care for a child.

Child 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.

According to data collected from all Centers for Social Work, Police, NGOs in 2010 there were 131 child registered as a beggar. Data are relevant to entire Republic of Srpska and all children found at begging regardless of their actual place of living. Out of 58 municipalities that have delivered data, 12 Centers for Social Work had records on children found at beggary. 80% of data related to those children came from 4 municipalities and those are Prijedor, Bijeljina, Modrica and Banja Luka.

In comparison with other countries in region, statistically examined, data are not worrying because only Slovenia did not have any children registered as beggars while data indicates that in Montenegro this number is 3 times higher, in Macedonia situation is even worse, and in Federation B&H these numbers and are even higher.

According to data of competent services children of all ages were found in begging, most common age group is 6 -9 - 37% and 10-14 – 37%, than 15-18 – 19% and under age 3 – 4%.According to data on gender structure of children found in begging there was 52% girls and 48% boys.

Cause of beggary, according to data collected from all Centers for Social Work, in 8% of cases is that children were forced to it. In some cases parents are initiators of such activity and very evident is presence of organized transportation of these children especially in summer period. This situation is present in Prijedor where, for example, Police knows that children come from Federation of B&H and Serbia and they take measures to return them to municipality they came from.

In accordance to the collected data, children-returnees to beggary are not registered in Prijedor or Banja Luka what serves as confirmation that there was organized transportation
of children to those municipalities while in Bijeljina multiple returnees to begging were registered meaning that children are registered as permanent beggars being continuously at "work".

Poverty of family, which often is used as justification by parents of children in begging, 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 begging 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.

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.

Results of research led to openings of Day Centers for children at risk in Modrica and Prijedor with the engagement of Ombudsman for Children and competent municipal services and with support of company Henkel and IN Foundation.

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.
X  JUDICIAL-PROTECTIVE RIGHTS

1. Children in conflict with the Law-juvenile delinquency

Juvenile justice is a system that involves all subjects of protection and their activities from the moment a child is at risk; from coming into conflict with law to its full reintegration, therefore parents and family, peers, school, social welfare centers, police, prosecutors, courts, the media.

In reporting period, and in last four years, Institution did not receive even one complaint that indicates violation of rights of child that is in conflict with the law. Therefore, neither parents nor children have indicated violations of child’s rights in relevant procedures before competent bodies or such violations were found in prescribed measures. This fact confirms improvement in this field, not only in normative part but also in greater sensitivity of competent bodies in actual proceedings.

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.\(^\text{130}\)

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 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.

\(^{130}\) UN Committee for Children’s Rights; General Comment, number 10. The rights of children in system of juvenile justice, Point 15
The Law on Protection and Treatment of Children and Juveniles in Criminal Proceeding\textsuperscript{131} 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{132}

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{133}

According to data of the Ministry of Internal Affairs\textsuperscript{134} 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, the number was significantly decreased and in 2013 there were 533 reports (in 2012 there were 556 reports 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 36 of them in this year (in 2012 this number was 37 and in 2011 it was 38). There is no criminal procedure against 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.

According to the same data, juvenile offenders, in most cases, are committing crimes against property. Out of the total number of reported juveniles in 2013, 387 reports were related to criminal offense against property (theft and aggravated theft), 50 reports for criminal offense against life and body, 8 related to drug abuse and 7 reports for other criminal offenses of general crime.

By age structure, out of the total number of reported juveniles 361 of them are 16 - 18 years of age, 136 are 14 - 16 years of age and 36 up to 14 years of age. 14 of recorded juvenile offenders are girls. In comparison to the previous reporting period, higher number of reports is related to juveniles age 16-18, while number of offenders of the age 14-16 is decreased for 29 and there was only 1 report against child younger than 14. Also, the number of complaints against girls was decreased from 23 girls in 2012 to 14 in 2013.

In the group of criminally responsible children, in conflict with the law most often are children of 16 and 17 years, though, presence of younger children who come into conflict with the law is noticeable. Such behavior is often preceded or followed by, neglect of the child within the family and interruption of regular schooling. Criminal offenses are often carried out jointly with other juveniles or young adults. Children, perpetrators of criminal acts, are of all social statuses.

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

\textsuperscript{131} The Law on Protection and Treatment of Children and Juveniles in Criminal Proceeding, " Official Gazette of Republic of Srpska", number 13/10

\textsuperscript{132} Regulation on application of educational recommandation on juveniles, " Official Gazette of Republic of Srpska", number 10/10, Article 4.

\textsuperscript{133} Standard Minimal Regulations of UN for Juvenile Justice – Beijing Rules

\textsuperscript{134} MIA data, D/P-052-66/14, dated February 5th, 2014
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.

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

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 hive its consent to sexual activities with an adult.

Proposals and initiatives were related to:

- statute of limitation for criminal acts committed against child in a way that it is calculated from the moment child becomes of legal age what gives children the opportunity, when they become adults and overcome their fear and humiliation, and when they are not influenced by parents and society, they decide on their own on initiating procedure against those who have humiliated them and destroyed their childhood, leaving permanent consequences on their life.
- Harsher penalties for perpetrators of criminal act of sexual abuse of children because no penalty is sufficient for one child’s destroyed life, and in cases when perpetrators get minimal sanction, children are once again exposed to violence. Penalties for perpetrators should be more strict and adequate to the gravity of committed crime and only then they would have preventive role.

- To increase the age of child for voluntary consent to sexual intercourse, that would place responsibility on those who manipulate, abuse and exploit children for satisfaction of their sexual desires.

- To define additional security measures against perpetrators of this crime – banning those individuals to work or come close to places where there are children and obligatory psycho-social treatment of perpetrator.

- To implement register – database of all perpetrators of criminal acts against children.

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.

By changes and amendments of the Criminal Code of Republic of Srpska accepted are recommendations that relate to:

- statute of limitation for committed criminal acts against gender integrity, marriage and family that were committed against persons younger than 18 is counted from the moment damaged party becomes of legal age,

- mandatory psycho-social treatment in a way that perpetrator of criminal act with elements of violence the court may order mandatory psycho-social treatment that is in accordance with the law,

- implementation of register, a database of perpetrators of crimes against children,

- banning to perform a call, obligation or activity for perpetrator that has abused his/her job position.

The Law on Changes and Amendments of the Criminal Code does not accept recommendation related to ban of performing work with 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 abused their position and for perpetrators who have not abused their position such measure can not be imposed and therefore they still 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.

„Mother and a daughter have reported to the Center for Social Work that stepfather has been sexually abusing daughter for some time. He was detained, and mother and a girl continued to live in a family house. After some time, accompanied by her mother, the girl stated at the same Center for Social Work that it has never happened. Stepfather was released and they all live together."

By changes and amendments of the Law, sanctions against perpetrators of sexual abuse of children also were not increased. 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.

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 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.

According to data collected through research, Centers for Social Work in republic of Srpska in period January 1st, 2008 – end of June, 2011 have recorded 86 children victims of sexual abuse and exploitation, while for the same period Ministry of Internal Affairs has registered 148 children.

The above stated difference is the result of insufficient cooperation of Institutions that act in these cases, non-existence of unified database on perpetrators of sexual exploitation against children and non-existence of database on children-victims. Unfortunately, stated difference is also the consequence of the attitude of certain number of Centers for Social Work who believes that those issues are in competence of Centers for protection of mental health and

135 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.
136 Center for Social Work information from July 10th, 2013
not theirs. Contrary to all other Institutions, Department for Analysis at Public Security Centers maintains database on children-victims of sexual exploitation and every three months it delivers its report to Ministry of Internal Affairs of RS that unifies all collected data and uses them in the frame of their competency and legally prescribed authority.

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 9 to 16.

Based on the collected data, the most common cases of sexual exploitation of children are sexual abuse of a child and common law marriage with juvenile.

Analysis of collected data on level of education of children-victims of sexual exploitation shows that 35 (49%) children-victims are primary school students, 18 (25%) are attending secondary school, 9 (12%) have abandoned primary school and 10 (14%) have abandoned secondary school.

Center/Service for Social Work data on children-victims based on education status:

![Graph showing education status of children-victims]

NGOs analysis of data on education status of children-victims indicates that children attending primary schools are at the greater risk of sexual exploitation. Same conclusion was made based on analysis of data collected from Centers for Social Work and Public Security Centers.

Information about children-victims of sexual exploitation in 37% of cases Centers for Social Work gathered from Police, 21% from schools, 11% of cases were reported by parents, close relatives or other persons, 10 % were reported by children-victims themselves while 5% Centers for Social Work collected by working in the field. 5% of Centers/Services did not answer this question.

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. The most of children-victims comes 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.

Family as fundamental and irreplaceable environment for development and growth of a child, unfortunately, is also environment where children often are exposed to some form of violence and abuse. The role of Center for Social Work as the most important institution in protection of rights and interests of a child is, among others, in providing psycho-social support.

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.

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 basis is completely different, 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.¹³⁸

Many employees of educational institutions that Institution has contacted are emphasizing that they do not have enough knowledge on topics and problems of sexual abuse of children especially in a part of recognizing that child is a victim of this form of violence and how to behave in situations when this form of violence is suspected.

On the other side, at all workshops children have shown great interest in discussing this topic and the school is the place they want to get information on this topic.

The attitude of employees is greatly the consequence of the lack of adequate correctional and educational programs that should work on this issue.

For prevention from any form of violence against children, education system is one of the most important and therefore state must recognize the need for systemic education of employees on problems of sexual abuse of children but it also should implement programs for children, from their earliest age and adjusted to their needs and capabilities within educational system to gain information on different forms of sexual violence, abuse and exploitation.

Still present in the practice is inappropriate reaction of competent institutions against perpetrators of these criminal acts. Namely, the most common reaction is that Police is informed of it because perpetrator's responsibility is only found in criminal proceedings what represents special problem. Institutions where such persons work do not initiate procedures that question their responsibility, yet they wait court decision on it. Question of violation of

¹³⁸ 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.”
their work obligation is not raised, there is no disciplinary procedure and consequently process of placing responsibility for committed act is not ongoing.

High consciousness on problem of sexual violence and abuse of children and eagerness of competent institutions to respond to this problem 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 about it do not speak, 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.

Girl who was victim of sexual abuse within her family, while giving statement to psychologist of the competent institution, through tears was repeating: "What will happen to my dad, where is he now, am I going to be send to Children’s Home, I don’t want to go to the Center."439

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.

According to certain researches, there are several to reveal secret child has lived wit for years; either child states it accidentally with no intention to reveal its secret, or it entrusts someone wit its secret with intention to stop the abuse, or, what is the most common case, the adults based on child’s behavior recognize signs and symptoms that indicate possibility that child is victim of abuse.

In individual cases Institution has acted upon, doctors have stated suspicion that child who they admitted for health issues is a victim of sexual abuse. "A girl was admitted to the hospital because of nose hemorrhaging for some time. Medical examinations did not indicated disease suspected when girl was admitted to the hospital. However, after staying in hospital for a couple of days and "examination of the causes” that lead to hemorrhaging, she said that for three years now, from her tenth birthday, she was victim of sexual abuse within her family."440

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

139 Case number: 491-5-PZ/13
140 Case number: 1735-142-PZ/13
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 certain 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.

UN Convention on the Rights of the Child obliges states to take all legal, administrative, educational and social measures in order to protect child from all forms of violence, including sexual abuse, exploitation and maltreatment while in parental care, or in care of legal guardians or other persons providing care for a child.141

Council of Europe Convention142 obliges to a whole set of measures and activities that must be taken in different segments in order to lessen risks of different forms of sexual violence, abuse and exploitation of children while in parental care or in the care of legal guardians or any other person who provides care for a child.143

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.

Consistent application of the Protocol means adequate protection of children from all forms of violence and in order to provide such application necessary are the programs of prevention that must be part of school curriculum that is adapted to child’s age and needs.

Institution has made recommendation for Ministry of Education and Culture that as of the beginning of new school year defined programs of prevention are integral part of education process.

3. Children in traffic

Requirements of the 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. Each year, statistics, unfortunately, warn that on the roads, in traffic accidents children also are injured. Experts warn that children in traffic are just children and they can not easily estimate the speed and distance of vehicle, their experience of danger is completely different, they can not easily determine direction of a sound, they

141 UN Convention on the Rights of the Child, Article 19. and 34.
142 Bosnia and Herzegovina has ratified Council of Europe Convention on Protection of Children from Sexual Exploitation and Sexual Abuse on September 27th, 2012, “Official gazette of Bosnia and Herzegovina”, International Agreements, number 11/12
143 Convention, among others, obliges o: educating children on risks of sexual exploitation and sexual abuse (Article 6.), realization of programs and measures of intervention (Article 7.), adoption of national measures of coordination and cooperation (Article 10.), implementation of measures of protection and assistance for victims (Article 11-14),...
mimic adults’ behavior in traffic and it is very important to properly prepare them to participate in traffic.

The issue of protecting children in traffic, and many other children rights, requires engagement of many subjects of protection. First of all parents are the ones who have obligation and responsibility to provide care for healthy development and growth of their children. Besides parents educational system in cooperation with parents has highly important role in protecting children in traffic.

It is obligation of parents even when they together with their children participate in traffic, they should pay special attention to safety of their children, children can not sit at front seat in car, without safety belt, without children car seats, in the lap of driver, and similar when consequences of traffic accidents may be fatal for them.

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.

Complaints submitted to the Institution state that “security conditions of stated areas that child on their way from home to school face on daily basis... we kindly ask you to help us solve this problem because it endangers fundamental children rights to safely attend school.”

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” besides increased presence of police patrols close to school also appeal to all drivers to take additional caution in traffic and they organize in 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 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.

\[144 \text{“Case number: 1374-109-PZ/13} \]
\[145 \text{According to Ministry of Internal Affairs data in } 2013 \text{ 24073 drivers were taken off the road and out of this number } 79,8\% \text{ were under alcohol intoxication, www.mup.vladars.net} \]
XI  EX OFFICIO WORK

1. Special reports

In accordance with the Law, 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 report indicates faults that can be very different and which violate 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.

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 reporting period, Ombudsman for Children has made following special reports:

1. Prevention of Exploitation of Children in South-East Europe - Exploitation of Children on Internet in Republic of Srpska
2. Special Report on Proceedings of Republic Education Inspectorate
3. About your rights in your school – Right to Protection against Violence
4. Young Advisors of Ombudsman for Children

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.

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.

1. Recommendation to the Ministry of Education and Culture – Passing Regulations on Work Conditions for School Cafeteria
2. Recommendation to the Ministry of Education and Culture – Student Files

146 The Law on Ombudsman for Children, Article 17.
147 The Law on Ombudsman for Children, Article 9.
3. Recommendation to the Municipality Mrkonjic Grad and Center for Social Work in Mrkonjic Grad – Implementation of decision on entrusting a child

4. Recommendation to the Ministry of Internal Affairs – to Department for Internal Control

5. Recommendation to Primary School “Georgios A. Papandreu” – transport of students

6. Recommendation to the Ministry of Education and Culture – transport of students

7. Recommendation to the Government of Republic of Srpska – The Right of Child to Privacy - Changes and Amendments of the Law on Public Information

8. Recommendation to the secondary Electronic School, Banja Luka – Annulment of decision made on correctional-disciplinary measure

9. Recommendation to the republic pedagogic Institute – Assessment of teachers’ professionalism

10. Recommendation to the Ministry of Education and Culture – Disciplinary responsibility of employees of education institutions

11. Recommendation to the Center for Social Work Istocno Sarajevo – Assessment of the needs and instructing children and youth challenged in their development

12. Recommendation to the Center for Social Work Banja Luka – The right to counseling is implemented under conditions and in manner prescribed by the Law

13. Recommendation to the Ministry of health and Social Protection – passing Instruction on implementation of the right to counseling

14. Recommendation to the Center for Social Work Sipovo – Obligation of Center is to protect interests of a child in all situations when there is not parental consent

15. Recommendation to the Ministry of Education and Culture – Programs of prevention are integral part of school curriculum

16. Recommendation to the Inspectorate of Republic of Srpska – Republic Education Inspectorate actions in cases of protection of rights and interests of students

17. Recommendation to the Center for Social Work Banja Luka - passing decision in case of sustaining personal relationship between father and minor child

18. Recommendation to the Center for Social Work Celinac – Providing care for minor child

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 following:

1. Opinion on Changes and Amendments of the Criminal Code of Republic of Srpska

2. Opinion on Pre-draft of the Law on Volunteering

3. Opinion on the Draft of the 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.

4. Initiatives

According to the Article 7. of the Law, Ombudsman for Children is authorized to submit initiative for changes and amendments of laws and other regulations and general acts, if it is found that violation of children rights occurs because of imperfections of provisions.

Besides the stated, the Law prescribes the authority of Ombudsman for Children to initiate procedure before the Constitutional Court that assesses constitutionality and legality of the law, other regulations and general acts when it is assessed that it is not in accordance with the Constitution or with the law. Based on the legally prescribed authorities, instigated is initiative for assessment of constitutionality and legality of the regulation on disciplinary responsibility of employees and students in the education system since the question of disciplinary responsibility in education system is very common subject in proceedings of Ombudsman and application of the Regulations and processing of individual cases does not provide necessary protection.

1. Assessment of constitutionality and legality of Article 28. of the Regulations on Disciplinary and Material Responsibility of employees of Secondary Technology School in Banja Luka

2. Assessment of constitutionality and legality of Article 28. of the Regulations on Disciplinary Responsibility of students of Primary School “Georgios A. Papandreu”, Aleksandrovac
XII COOPERATION WITH CHILDREN

The Law on Ombudsman for Children\textsuperscript{148} 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. In regard to that, 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{149}"

Since UN Committee in its Recommendations in 2012 has recommended 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{150}", Ombudsman for Children has intensified 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.

1. Workshops for Children

Ombudsman for Children Regular Workshops

In 2013 Ombudsman for Children has organized workshops for children that were premeditated in its annual plan and workshops that organized based on invitation of a school or institution. This year, interest was great for additional workshops presented by employees of Institution but also for those that have been realized by Young Advisors of Ombudsman for 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. Workshops “Your rights in your school” that Institution has implemented in period from September to November 2012, 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 29 schools of Republic of Srpska, in 17 primary and 12 secondary schools.

1. High School Center Kostanjica

\textsuperscript{148} The Law on Ombudsman for Children, „Official Gazette of Republic of Srpska”, Article 6.
\textsuperscript{149} UN Committee for the Rights of the Child, Recommendations, Point 23.
\textsuperscript{150} UN Committee for the Rights of the Child, 2012 Conclusions and Recommendations, Point 22.
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<th>No.</th>
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<td>High School Center – Secondary Medical School</td>
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School visits were prearranged and they were implemented in a following way:
- discussion with school management (director/pedagogue/psychologist/social worker)
- workshops with student council or with class that school has proposed

Topic of workshops was the right of children to protection against violence and its 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 in providing 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.

The conversations we had with school managements have indicated that approach to the topic of violence differs from school to school depending on whether it is about prevention, intervention or working on the individual case of violence where schools, again, have different interpretation of their role in cases of peer bullying that has happened in school or when adults are abusing children that did not occur in the school.

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. During these conversations 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.

At the workshops, Ombudsman for Children together with children first defined the concept of violence and its forms, and than children were invited to express their understanding of violence and eventual experience they had with any form of violence.

Primary school students have more often noticed physical violence while secondary school students were more aware of psychological violence in their school. This has confirmed the results of research conducted last year by Young Advisors of the Ombudsman for Children where 68,7% of primary school students have stated that physical violence is the most present in their school, while 72,3% of secondary school students said that psychological violence is the most common form of peer bullying in their schools.

When determining forms of violence, students usually recognized insulting, mocking and humiliating as violence. It is interesting that children have noticed that swearing is a very common form of speech used on a daily basis but they do not recognize it as violence. Violence on the Internet is well known to students of primary and secondary schools but what is disturbing is the fact that some forms of behavior on Internet they do not consider as violence (for example, like for malicious comments).

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. These opinions stated by children are the sign that Protocol on Proceedings in the Cases of Violence, Abuse and neglecting that we have presented to school managements and students, is crucial and that it is necessary to continue work on strengthening cooperation between all institutions and services for the needs of appropriate application of the Protocol.

**Workshops upon invitation**
During previous period, Institution had received invitations from schools and institutions to organize workshops for children in order to educate them about children rights, yet topics were proposed by schools or institutions, and employees of Ombudsman for Children have completed it. These invitations are always a sign that importance of educating children about their rights and the need to provide them with professional, proper and child-friendly information is recognized. In 2013, Workshop “Do we know what is the violence?” that was conducted in the frame of regular activities on educating school children has aroused interest not only of children, but also of competent services. Almost all schools where pedagogues, psychologists or teachers attended workshops asked for a copy of presentation so they could, in their arrangement, organize workshops for other groups of students or other classes. In some schools, 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.

Representative of the Ombudsman for Children was invited by Secondary School “28th July” in İstocno Novo Sarajevo to organize workshop on violence for members of Student Council and since the occasion was Children’s Week students have emphasized that they know the significance of this week and that they are very active in promotion of children rights.

Three workshops were held in Secondary School “Nikola Tesla” in Teslic, one was part of regular activities of the Institution and two were held upon invitation of this school. After workshop was held in General High School of Catholic School Center in Banja Luka as a part of regular activities of the Ombudsman for Children, school’s professional service has invited Institution to have this workshop for another 4 classes of grade two in second semester of this school year and the approach to this topic they take as very interesting stating that it is good that students get information about violence from professionals but also that they can state their opinions.

It is important to emphasize that Primary School “Sveti Sava” Zvornik has invited Institution to have 2 Workshops on benefits and risks of Internet and to advise children how they could protect themselves from violence on the Internet. It is interesting that this school has recognized Institution as someone who could provide children with relevant information about this topic by following Institution’s activities related to the Safe Internet Day: “Information in media that you already had similar Workshop at the beginning of February in a primary school in Banja Luka where both children and parents were extremely pleased with it, has prompted me as President of Council of Parents to invite you to hold same or similar workshop in our school until the end of school year."

During the visit to the city of Zvornik, Ombudsman for Children has held Workshop “How to protect ourselves on the Internet” for all students of grade 4 and Workshop “Rights and Responsibilities on the Internet” was held with Student’s Council. Regular Workshop “Do we know what violence is?” was held for thirty students who have shown interest not only for this topic but also they were interested in cooperation with Institution through Network of Young Advisors.

Ombudsman for Children, for years now, is cooperating with Children’s Home “Nada Vranjevic” and this year Children’s Home realized obvious need for educational workshops for their protégées. Children Home Professional Service has realized that a certain number of children should be given additional motivation for attending school and learning, and they asked that Institution prepares workshop related to right on education. Institution employees gladly responded to this invitation and in interactive workshop demonstrated to children how to learn and benefits of achieving good learning results in future selection of their vocation. After workshop was held, Institution received another invitation for workshop and among

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everything else in this letter following was stated: "Once again, we thank you for organizing and realizing Workshop "My Right to Education" at Children Home for Children and Youth without Parental Care "Rada Vranjesevic" Banja Luka. Children, and also the employees of the Home, have genuinely enjoyed in your presentation and your method of work."

In regard to the International Day of Children’s Rights, Ombudsman for Children representative has held Workshop “The Right to Participation” in the Children Home “Nada Vranjesevic” for 20 children age 13 to 18 that are members of Children Home Community. The goal of workshop was encouraging and strengthening children to take active part and participate in all segments of life and work within the Home.

Ombudsman for Children, in cooperation with Agency for Information Society and Prof. Dr. Tatjana Duronjic, in regard to the International Day of Safe Internet at the Center for Education and Rehabilitation of Hearing and Speech has held Workshop “Correlate with Respect”. The goal of presentation was to introduce children with rights and responsibilities they have while using modern technologies. This was the first workshop that Ombudsman for Children has held for children challenged in their development and it turned out that this category of children has the same interests as their peers and in future period activities should be directed also on these institutions.

Peer education

In education of school children Ombudsman for Children has also involved Young Advisors that have completed Training Seminars and acquired knowledge about the rights of child. Topics they covered were right to education, right to express opinion and participation, right to protection against violence, 4 principles of UN Convention, gender equality and others. During Training Seminars which were organized by Institution, Young Advisors of Ombudsman for Children have gained general knowledge and skills necessary to execute workshops based on the model of 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, 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.

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 principle that Young Advisors, in their schools, hold workshops based on the already accepted model, was being developed since 2011 when the first Young Advisors of Ombudsman for Children have held about ten workshops in their schools in Doboj, Prnjavor, Foca and Kozarska Dubica.

After Training Seminars held in 2012, interest of Young Advisors for peer education was significantly increased. Acquired knowledge on the rights of a child, gender equality, violence, reproductive health and the right to express opinion Young Advisors – peer Educators have shared with their peers in schools in Modrica, Samac, Foca, Prnjavor, Banja Luka, Doboj, Derventa, Gradiska, Teslic, Vlasenica and Vukosavlje where they held about 15 workshops and more than 400 secondary school students have participated in them.

In 2013 Young Advisors have shown interest in educating their peers and in 16 schools of 6 municipalities they have implemented 43 workshops on “Do we know what violence is?” and “Gender Equality”. Workshops were held in following schools:

152 Letter of Professional Service of Children Home „Rada Vranjesevic“, Banja Luka
1. Primary School „Sveti Sava” Doboj,
2. Primary School „Vuk Karadzic” Doboj,
3. Primary School „Dositej Obradovic” Doboj,
4. Trade and Catering Secondary School Doboj,
5. Secondary School „Jovan Ducić” Doboj,
6. American Culture Center Doboj,
7. Primary School „Sutjeska” Modrica,
8. Primary School „Sveti Sava” Modrica,
9. High School Center „Jovan Cvijic” Modrica,
10. Primary School „Veselin Maslesa” Foca,
11. Primary School „Sveti Sava” Foca,
12. High School Center „Foca” Foca,
13. Secondary School Prnjavor,
14. Secondary Specialized and Technical School, Gradiska,
15. Secondary Technical School, Gradiska,
16. Catholic School Center, Banja Luka.

Young Advisors from Doboj and Modrica: Natasa Milosevic, Marija Grahovac, Bojana Petrovic, Mira Milicic, Snjezana Djosan, Aleksandar Vidovic and Igor Marjanovic have held 18 “What do we know about violence” Workshops for their peers in primary and secondary schools in Doboj and Modrica. About 600 students of primary and secondary schools have attended workshops. Young Advisors marina Vasic and Nikolina Jovanic have held 16 workshops “Do we now what violence is?” and “Gender Equality” in Prnjavor High School. In Gradiska, Anjdela Vukotic and Arsen Vukotic have realized 2 workshops on violence and Milica Mijatovic has held workshop “4 Principles of UN Convention” in Banja Luka Chatolic School Center. Through 19 workshops in Prnjavor, Gradiska and Banja Luka more than 300 secondary school student were educated by peer educators. Young Advisors from Foca, Marija Pejovic and Marijana Lucic have held 6 workshops on violence in 5 primary and 1 in secondary school for more than 150 students.

Alltogether, Young Advisors in 2013 have educated about 1000 of their peers in 16 schools in Republic of Srpska.

What should be emphasized is that in some schools, after the initial workshop, Young Advisors were invited by School Management to have same workshops for additional classes. This is an indicator of the quality of these workshops, student’s interest for given topics and for peer education as excellent method for implementation of workshops that cover topics of interest for primary and secondary school students.

Devoted Young Advisors have been noticed by school employees and by students and we learned from those schools were workshops were held that homeroom classes now have new quality and that in those schools were for last couple of years workshops were implemented, first results have been observed in sense that there is no student who does not know of existence Of Protocol on Proceedings in Cases of Peer Bullying and to whom they should report problem and the number of peer bullying cases in school has significantly been decreased.153

Eventhough the number of workshops with different topic that were held in period from 2010 to 2013 by Ombudsman for Children and its Young Advisor is significant and it has

153 Derived from conversation with High School Prnjavor Professional Service where children are implementing, for three years now, these workshops and last two years it were held for all first grade classes
contributed to education of primary and secondary school students in implementing and protecting their rights it still is not possible to include all school children in this form of education and therefore it is important to create systemic approach in educating children about their rights.

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.

Children, in marine surroundings, through different activities designed by themselves, accompanying support stuff or 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 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.

Care for children is provided by professional teams and each group has its coordinator and professional associate who have great obligation and responsibility to make children stay in Kumbor safe and filled with many 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 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.

In the frame of its regular activities on supervising implementation of the project, children in the camp were visited by the Management and Administrative Boars of Institute for Children and the Professional Commission of Ministry of Health and Social Protection.

The importance of this Project for children was widely recognized and participants were visited by: Minister of Health and Social Care, Minister of Family, Youth and Sport and representatives of local administrations and institutions for social and child protection who all have expressed their satisfaction with the achieved goals of Projects and offered their support in continuance of implementation of the Project in following years.

Ombudsman for Children of Republic Srpska for five 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 tenth group of children that have stayed in Kumbor from August 9th to August 18th, 2013. There were 129 children from Srbc, Banja Luka, Berkovici, Kostajnica, Krupa na Uni, Novi Grad, Ostra Luka, Vlasenica and Foca.

Ombudsman for Children spoke with children and stuff about conditions of stay in the camp but also about many other questions that are related to the implementation of children rights in municipalities of their origin.

Children had great time in the camp; they had no complaints on accommodation, food, stuff and attitude of stuff towards them. Children, parents, employees, volunteers and local communities children come from do not have any objections on the stay in Kumbor what additionally obliges all to maintain its quality and to work on improvement in sense of increasing capacities and involving all interested institutions and organization in camp activities.
Emphasized should be the fact that since 2002, about 20 000 persons were involved in the Project and out of this number 16 500 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.

In 2013 “Children’s Week” was marked from October 7th to October 13th under common name “Children rights and institutions” whose goal was promotion of the rights of the child, improvement of social care for children and strengthening responsibility of all subjects of child protection.

Based on the Program passed by Minister of Health and Social Care, on whose implementation for two years now jointly work all institutions that provide care for children, a new quality is given to the marking of Children’s Week. Numerous activities and manifestations on the level of entire Republic of Srpska have indicated the importance of recognizing needs of children in different periods of their childhood, where special role for implementation and protection of children rights have institutions that are expected to be additionally sensitive and professional. If they do not recognize problem on time, if they behave as if there isn’t a problem, if they expect that someone else will solve the problem or problem solves by itself, than protection of children rights is additionally jeopardized.

In the spirit of recognizing importance of joint action of all institutions in implementation and protection of children rights, Ombudsman for Children has organized numerous visits, workshops and meetings with children of all ages in Republic of Srpska.

Representatives of Ombudsman for Children have visited preschool children in Celinac, where traditionally gathered were children from kindergarten “Lepa Radic” from Gradiska and kindergarten “Neven” from Celinac.

During Children’s Week workshops on children rights were held in Primary School “Jovan Ducic” in Lamovita, Prijedor and in Primary School “Vasilije Ostroski” in Trebinje.

Representative of Ombudsman for Children, Field Office Foca, upon invitation of Secondary School “28th July” from Istocno Novo Sarajevo, has visited this school and meet members of Student’s Council who have emphasized that they are very active in promotion of children rights.

Upon invitation of Council of Parents and management of Primary School „Sveti Sava“ Zvornik and on the occasion of marking Children’s Week, representatives of Ombudsman for Children have spent two days in this town where for students they held three educational workshops; first two were “Rights and Responsibilities” and third was “Do we know what violence is?”.

As every year, Ombudsman for Children has visited children of Children’s Home “Rada Vranjesevic” in Banja Luka. This year interactive workshop “My right to education” was held and it has encouraged children to speak of their problems in studying and what is their desired vocation in the future.

Young Advisors of Ombudsman for Children have joined program of education in regard to the Children’s Week who have held workshop on UN Convention on the Rights of the Child for students of all grades of Secondary Catering and Trade School in Doboj.

This year’s workshops where on different topics for children of different age, and they all, in addition to the basic theme of children’s week, have indicated importance that Children’s
Week has in promotion of children rights. Every year, in period of marking Children’s Week, Ombudsman for Children implements its activities with Young Advisors. In regard to Children’s Week, this year meetings were held with Network of Young Advisors in Doboj, Foca and Banja Luka. Present at the meetings were current and former Young Advisors so they could exchange their experiences on cooperation with Ombudsman, exchange their opinions on different issues and suggest what else they could, as the Network, do on promotion, implementation and protection of the rights of the child. During these meetings that were held in the premises of Institution presented were results of research on peer bullying that was conducted by mutual work of the Network and Institution of Ombudsman for Children when Young Advisors have surveyed more than 1200 of their peers. Network of Young Advisors meetings have caused great interest in media because they represented opportunity for Young Advisors – secondary school students to bring out the stand and opinion of their peers about children rights.

Institution representative and Young Advisors from Foca have visited “From now on, no one may call me little” was joyous gathering and the youngest ones spoke about children rights in the most interesting way. Every year, during Children’s Week, Institutions organize many activities with the goal to draw attention to certain questions that are of great importance for child’s growth and development.

This year, in organization of Academy of Science and Art of Republic of Srpska in Banja Luka, Round Table “Reproductive Health – conditions for survival” was held and many experts from Republic of Srpska and Serbia along with representatives of competent institutions have taken part in it. The goal of Round Table was to find answers to numerous questions that arise in this field, including the question have we given enough attention to the adolescents on this great life crossroad.

Ombudsman for Children, Ms. Nada Grahovac has introduced all present with the stand of children regarding this question that was based on the research implemented in cooperation with Young Advisors. The results of research that involved 523 students from 17 secondary schools in Republic of Srpska, indicate, among everything else, the need that education of children on their right to healthy growth and development, including the education on reproductive health, must be a part of education system, adapted to the needs and age of children.

Central manifestation this year had a special place in marking “Children’s Week” and it was ongoing under the common name “Children rights and institutions” what additionally indicated the importance of continuous and coordinated cooperation of all subjects of protection, in part of prevention and in continuous supervision of implementation of Convention, actually the influence that legislation and defined policies have on children, their rights and interests.

About the role of institutions in implementation and protection of the rights of the child spoke Mrs. Amela Lolic, President of the Council for Children, Mrs. Dijana Jurisic for Ministry of Family, Youth and Sport, Mrs. Aleksandra Dalsaso – Lepir on behalf of Committee for Children, Youth and Sport and Ombudsman for Children Ms. Nada Grahovac. Children from Kindergarten “Milja Djukanovic” Mrkonjic Grad have left great impression by greeting all participants in many different languages. This manifestation was an opportunity to award the most successful creators of literary works on theme of children rights. Students of primary and secondary schools of entire Republic, with numerous works that came upon invitation of Ministry of Family, Youth and Sports have once again shown how much they know about their rights and that they are aware that rights also mean obligation and responsibility.
4. International Day of Children’s Rights

In a whole world, 20th November is marked as the International Day of Children’s Rights. Many organizations and institutions in Republic of Srpska mark this day and on the initiative of Ombudsman for Children, for four years now, Central Manifestation in regard to the International Day of Children’s Rights is held in the school that, according to the data of Ministry of Education and Culture and Republic Pedagogic Institute, has the best results in studying and behavior. Such selection of a school for a goal has additional motivation in advancement of educational work and acquiring even better results. This year, according to all indicators, the best results had Secondary Medical School from Banja Luka and therefore this school has hosted Central Manifestation.

Students and management of the school with the pleasure had accepted this selection based on their results in studying and behaving and moreover, students of this school are very active in many extracurricular activities, they organize humanitarian activities, do peer education and participate actively in school life. Theses qualities were confirmed by program prepared by students and it gave a review of work of many extracurricular activities where these children nourish their talents starting in IT, art, acting, music and recitation. Besides children, parents and teachers central manifestation was attended by Minister of Family, Youth and Sport, Mrs. Nada Tesanovic, Ombudsman for Children Ms. Nada Grahovac and representatives of other ministries, institutions and local community.

So far hosts of manifestation were Primary School “Branko Copic” Banja Luka, Secondary Economic School Banja Luka, and Primary School “Georgi Stojkov Rakovski” Banja Luka because they had the best results in studying and behaving. Besides aforementioned schools, among five best schools were following primary schools “Ivo Andric” Banja Luka, “Branko Copic” Prnjavor, and “Zmaj Jova Jovanovic” Trebinje and among secondary schools were Secondary Economic School Banja Luka, Secondary Economic School Bijeljina, High School Center “Milorad Vlacic” Vlasenica and High School Banja Luka.

On the occasion of International Day of Children Rights, Ombudsman for Children and Ministry of family, Youth and Sport have organized in Secondary Economic School in Banja Luka Round Table “Application of the Protocol on Proceedings in Cases of Violence, Abuse and Neglecting of a child”. The goal of Round Table was to emphasize importance of recognizing cases of violence, abuse and neglecting of a child in order to timely react and take all proper measures in providing protection to a child. During discussion Protocol was greeted as great contribution in inter-relating of institutions and their joint actions in protection of a child and indicated was the need for implementation of a program of prevention against violence in the education system as well as education of all employees in all subjects of protection and obligatory continuous cooperation on local and republic level.

The goal of Round Tables on application of Protocol on Proceedings in Cases of Violence, Abuse and Neglecting of a Child that were held in Doboj, Bijeljina and Foca was to present experiences of the competent institutions in its implementation. Mutual assessment of participants was that application of Protocol has started in practice and it already has results but additional efforts must be made in its promotion.

In regard to the International Day of Children’s Rights Ombudsman for Children has organized workshops “Do we know what violence is?”, in Catholic School Center in Banja Luka and in High School Center in Foca where participants have stated their opinions on the violence and employees of the Institution have introduced them with protocols that oblige adults to act in order to protect children from violence.

In Primary School “Dositej Obradovic” in Doboj, Young Advisors have held workshop on UN Convention on the Rights of the Child and they emphasized its importance to the primary school students.
On the occasion of the International Day of Children’s Rights representative of Ombudsman for Children has held workshop in Children’s Home “Rada Vranjesevic” for the children living in the Home and goal of this workshop was encouraging children to take active role in life and work of the Home.

On the same occasion, UNICEF traditionally awards journalists for their contribution in improvement of social care for children. Ombudsman for Children, Ms. Nada Grahovac chaired the jury that has assessed that media have important role in promotion of children rights in general, in strengthening standards for reporting about children, indicating violations of children rights in different segments and weaknesses of certain parts of child protection system.

5. International Day of Human Rights

International Day of Human Rights is an opportunity to remind ourselves that children rights are also human rights. UN Convention on the Rights of the Child, promoting idea that children have their human rights, has placed foundation for different approach to children. Investing in children today society invests in its future where children of today will take responsibility in a measure and a manner we have taught them.

In 2013 activities of the Institution regarding the Day of Human Rights were focused on implementation of the right to education. Therefore, Institution in cooperation with the Ministry of Family, Youth and Sport and Republic Pedagogic Institute has organized Round Table “Programs of prevention are integral part of school curriculum”.

During the Round Table representatives of primary and secondary schools, Republic Pedagogic Institute, Education Inspectorate, Ministry of Internal Affairs, Gender Center and NGOs that work with children have presented their experiences from the field and jointly they all have concluded that education is much more than just pure formal teaching and it includes wide specter of life experiences and processes of learning that enables children, collectively and individually, to develop their personalities, talents, skills and abilities that will prepare them for the world of adults and their independent life within such world. Even though goals of education are not defined in accordance with demands of Convention, curriculum is overloaded and yet it does not include contents that are necessary for proper growth and development of a child which children should be informed of in the school. That information should be related to: protection of child’s health, protection against different forms of violence, abuse and neglecting, different forms of risky behavior, etc.

After discussion and summarizing conclusions of the Round Table, Ombudsman for Children has submitted to the Ministry of Education and Culture Recommendations to define programs of preventions by changes and amendments of the Law on Primary and Secondary Education.

Upon invitation that came this year from Helsinki Citizen’s Parliament and in regard to the International Day of Human Rights, Ombudsman for Children had installed info-desk where all interested visitors had at their disposal pamphlets and promotional materials of the Institution.

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.

In 2013, in organization of Ombudsman for Children and Agency for Information Society International Day of Safe Internet was marked in Primary School “Ivo Andric” in presence of representatives of competent ministries, Republic Pedagogic Institute, students and teachers
of Banja Luka primary schools with the theme “The Rights and Responsibilities on the Internet” under slogan “Connect with respect”.

In the spirit of given theme, Dr. Tatjana Duronjic has held presentation that indicated the importance of new technologies in process of child’s growing up, and students of the hosting primary school have presented results of research they had done last year in their school on use of internet. Besides date they collected, students also have presented the rules of behaving that children should respect when using Internet and also in the real life.

Students of High School Banja Luka have held presentation “Use Internet wisely” and they have shown how to use Internet for studying, also they promoted web page znanje.org that has great amount of educational content and which is regularly updated by students and in cooperation with their teachers.

On the occasion of the International Day of Safe Internet, in the Center for Education and Rehabilitation of Speech and Hearing for about 30 students presentation “Connect with respect” was held and its goal was introducing children with the rights and responsibilities they have while using modern technologies. Presentation was prepared by Dr. Tatjana Duronjic and she has introduced children with benefits and risks they are exposed to while using social networks on the Internet.

7. **Ombudsman at the manifestations of children knowledge and creativity**

With great attention Ombudsman follows and supports manifestations of children’s knowledge and creativity. The Goal of theses gatherings with children is expressing due attention to their successes in different areas of art, science, sport and emphasizing the importance of developing and motivating children’s creativity.

Traditionally, for the most successful student of primary and secondary schools organized is a reception. Ministry of Education and Culture and Ministry of Family, Youth and Sport of Republic of Srpska this year also were hosting students that won at republic competitions. 376 students of primary and secondary schools were acknowledged their success in many areas. This manifestation is an opportunity to pass a massage to students, but also to their teachers and parents, that their work and results must and will be recognized and awarded.

Republic Pedagogic Institute organizes every year manifestation where students of primary and secondary school 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 Novi Grad. On this occasion in the City Galery exhibition of the best students works was facilitated and entire cultural program was performed by students of primary and secondary schools.

Besides competitions that Republic Pedagogic Institute organizes, young literature creators also had opportunity to participate in couple competitions that have been organized in cooperation or on initiative of other institutions where gathered are children of the entire region.

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, Seventh „Mikrofin Children's Kingdom” traditionally was opened by Ms. Nada Grahovac, Ombudsman for Children who has emphasized that „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.

Citizen’s Association “Center of Youth” from Kotor Varos, for the fourth year now, has organized literary manifestation “Hozic’s pen of child”. This year topic was “Stop violence against children” and 70 literary works of students of 22 primary schools in Bosnia and
At the Festival “You have a minute” in Banja Luka, out of 105 one minute movies 22 of broadcasted movies were produced by children. Movies, created by children, were developed in the frame of Program “Strengthening system of social protection and inclusion in Bosnia and Herzegovina” which was implemented with support of European Union and UNICEF. In cooperation with Organization “Genesis project” children from 11 municipalities, trained to make movies have expressed in their movies what they think of violence, education, health, poverty, ecology, mine protection...

Certain number of manifestations was organized by citizen’s associations that work with children who are challenged in their development and each of these manifestations was an opportunity for sensitization of wider society about the needs of this category of children, to build a new approach to children whose needs, imagination and talents are no different from their peers. Therefore, Institution gladly responded to all invitations of Children Education Center “Svjetlice” and Association for Assisting Persons with Autism “Children of light” and was present at their manifestations in regard to the International Day of Persons with Down’s syndrome and International Day of Autism. Children beneficiaries of day center prepared and implemented manifestation “Friends of children” and children have handed thank you notes to their associates.

8. The Ombudsman for Children in a visit

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.

Celebrations, holidays and religious holidays in institutions children are staying or being educated in are always ongoing in atmosphere of promotion of children rights and students in appropriate programs show what have learned during classes and in extracurricular activities, how to cooperate with local community, institutions and organizations. Gatherings under those conditions are always special because they represent celebration of children’s successes. Such gathering was organized in Banja Luka High School on January 27th, known as St. Sava’s Day where promoted were student’s successes in learning and behaving, in Children’s Home “Rada Vranjesevic” and in the Institute for Physical medicine and Rehabilitation “Miroslav Zotovic” on December 19th (St. Nicholas’ Day), on the occasion of Children’s Week in Kindergarten “Neven” Celinac, Kindergarten “Lepa Radic” Gradiska and Kindergarten “Cika Jova Zmaj” Foca.

On the occasion of International Day of Children’s Rights representatives of the Institution were guests of Museum of Republic of Srpska together with primary school children from Sipovo, Jezero and Strojica. In appropriate program youngsters have introduced the all present with characteristic ethnic customs, speech, looks and performances.

Socializing with children in Primary School “Jovan Ducic” in Banja Luka in regard to promotion of school lockers for students of second grade that has happened after Ombudsman for Children made Recommendation for competent ministry and Republic Pedagogic Institute to take all necessary measures and activities, in frame of their competencies, to decrease weight of school bags and prevent consequences have bags may have on child’s development and growth.

“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.
Ombudsman for Children has participated in manifestation “Colors of the spring” that was organized in Primary School “Vuk Stefanovic Karadzic” in Doboj, and the goal of this manifestation and its workshops was to improve socialization of children that attend school based on specialized plan and program with their peers from other classes and to enable parents of children challenged in their development to state their opinions and proposals for improving position of their children.

Youngsters of Doboj have also met with representatives of Institution during Santa Clause parade when in Primary School “Vuk Stefanovic Karadzic” organized was appropriate event and children have received Christmas gifts.

Every year Institution gets more and more invitations and unfortunately is not in position to respond to all of them, and yet this increased number of invitations is taken as additional obligation that must be fulfilled in protection of children’s rights and interests because children are more and more recognizing the importance of their rights and obligations.

9. Network of Young Advisors of the Ombudsman for Children

The Law on Ombudsman for Children stipulates that Ombudsman for Children introduces children with the method of implementation and protection of their rights and interests and also advises them on how to implement and protect their rights and interests. In regard to that, Ombudsman for Children has ongoing cooperation with children and encourages them to state their opinions, initiates activities focused on improvement of child position and takes active role in these activities and proposes measures for increasing influence that child has in society.

In relation to this, Ombudsman for Children from the moment it has been constituted has had active cooperation with children and it involved children in numerous activities it has organized. First contacts with children have shown great interest of children to cooperate with the Institution and to take part in solving problems related to them.

Upon invitation to apply and become Young Advisors to Ombudsman for Children in 2011, 58 students of secondary and primary school of entire Republic of Srpska have filed their applications. In this year Ombudsman for Children has established Network of Young Advisors to 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 implementation of these goals children deal with questions related to rights that are guaranteed to them by Convention and in the manner that they participate in:

- selection and preparation of current topics they are interested in,
- organization and activities of Round Tables,
- researches,
- creating educational and promotional materials for children,
- peer education on children’s rights,
- informing Ombudsman for Children about their successes, needs, problems and violation of children rights,

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154 The Law on Ombudsman for Children, Article 6.
- different activities in cooperation with other institutions, youth organizations and NGOs.

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 2013 in activities of the Network of Young Advisors more than 100 Young Advisors have participated. Out of this number 83 had undergone 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**

In previous years, activities and work with Young Advisors has shown that through education not only is raised awareness of children about their rights but also implemented is factual participation of children in solving of all issues that are of importance to them. Therefore, Ombudsman for Children has continued its cooperation with Gender Center and in 2013 implemented 2 Training Seminars for Young Advisors.

**Training Seminar “UN Convention on the Rights of the Child and Gender Equality”**

was held from 17th to 19th May, 2013 at Borja, Teslic where children learned 4 principles of UN Convention and also gained basic knowledge on gender equality.

**Training Seminar “The Right to Protection against Violence and Discrimination”**

was held from 18th to 20th October, 2013 in Modrica and the goal of this training seminar was to introduce children with all forms of violence, how to recognize it, the consequences it may have on child’s development and protection of children against violence.

Young Advisors were introduced with Protocol on Proceedings in Cases of Violence, Abuse and Neglecting of Children especially in a part where schools are obliged to record violence but also to work on its prevention.

Violence as topic is also very interesting from the aspect of gender equality and presentation on gender based violence was studied together with Young Advisors. During this training seminar Young Advisors were addressed by Mr. Mladen Krekic, Mayor of municipality Modrica who shared experiences of municipality in process of improving care for children.

In period from beginning of 2011 until the end of 2013 eight training seminars were held and 83 Young Advisors took part in it. What influence these training seminars had on children their opinions and statements witness the best:

- “We gain a lot of knowledge at these seminars. We learned a lot form our educators but also we learn a lot from each other.”

- “I was not aware of many rights, but thanks to you and your expertise and other Young Advisors I gained knowledge which I will definitely pass to my peers. I hope that this is not the end of our road and that there will be more opportunities for us to eagerly and ambitiously gain new knowledge.”

- “Lecturing were very useful and of great quality and they helped me to develop my opinion as mature, adult person. I liked topics because they represent some life issues that we all know so much about and yet usually there is no appropriate reaction. Educators were great and I want to thank them for succeeding to bring some serious topics like domestic violence, reproductive health and gender equality closer to us.”
• “This workshop, as well as the others we have done during seminar, I will have in my school; they deserve to be educated as well.”

• “I am satisfied with the topic and I think that we can influence each other and spread gained knowledge through workshops. I like how serious all were in their work at seminar and also the determination and motivation of Young Advisors to change things for better.”

• “I have no objections on seminar yet I hope that on the next seminar we will do even more and also broaden agenda with topics that are current in world of young people.”

In 2013 educated were 25 Young Advisors from 19 secondary schools of 16 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. YOUNG Advisors have shown great interest for educating their peers and in 16 schools of 6 municipalities they have implemented 43 workshops on two different topics; “Do we know what violence is?” and “Gender equality” and they educated about 1000 students about these topics. This data leads to conclusion that peer education is well accepted by children, topics are interesting and schools have understanding for this form of inclusion of Young Advisors in peer education.

**Participation of Young Advisors in other activities of Institution**

Young Advisors have participated in the work of all Round Tables that were organized by Ombudsman for Children where they had opportunity to share their opinions about violence against children, application of Protocol on Proceedings in Cases of Violence, Abuse and Child Neglecting, safety on the Internet, sexual exploitation of children, peer-bullying and prevention programs in schools. Children have stated their opinions, asked experts relevant questions and also gave their opinions and made recommendations that were the basis for further proceedings of the Ombudsman for Children.

Young Advisors, in cooperation with Gender Center of Government of Republic of Srpska, have participated in research and presentation of research results on topic: “The role of ICT in the lives of boys and girls.” In 5 local communities, Doboj, Brod, Prnjavor, Kozarska Dubica and Foca, Young Advisors have survey about 200 children, summarized results and in cooperation with Gender Center they presented results in stated local communities.

Young Advisors were especially engaged in activities of Institution related to education of school children. They have taken over responsibility to work on education of their peers after they completed training seminars. According to the information Institution got from schools where Young Advisors alone or in cooperation with Institution representative have held peer workshops, they have shown that they are very interested and motivated to share their knowledge on the rights of children with other students.

Young Advisors are also active in Network of Republic of Srpska Secondary School Student’s Councils. This year almost all of Young Advisors are members of Student Councils, and 7 of them are presidents of Student Councils in their schools. Young Advisors Strahinja Savic and Natasa Milosevic are also members of Trebinje and Doboj Regional Students Council Presidency. They all have participated in work of VII Conference of mResurs from November 6th to November 8th, 2013 in Training Center Bardaca under sponsorship of Ministry of Family, Youth and Sport.

IV ECPD International Summer School “Promotion and protection of reproductive health” in Milocer, Montenegro besides other also covered the topic of gender relation, equal responsibility of women and men, girls and boys, in relation to reproductive health. Active
part in this summer school took Marko Grujic, Young Advisor to Ombudsman for Children, from High School Banja Luka who shared his experiences and experiences of other Young Advisors related to reproductive health of young people which was the subject of research that Young Advisors have completed in their schools last year.

17th Meetings of Young People in Prijedor that was organized by Ministry of Family, Youth and Sport and Youth Council were opportunity for 5 Young Advisors (Igor Marjanovic, Teodora Desancic, Arsen Vukotic, Mira Milicevic, Branka Grubacic) to socialize with their peers from entire Republic of Srpska and to broaden their knowledge in different areas through numerous workshops. Youth Council of Republic of Srpska has invited Young Advisors to take part in the Meetings because it has recognized them as interested and responsible young persons who can contribute in implementation of meetings with their knowledge and attitude.

This year gathering of former and current members of the Network of Young Advisors was organized in Doboj, Foca and Banja Luka and the goal of such gathering was to exchange experiences and to present research on peer bullying that was completed during 2012 in cooperation of Young Advisors and Ombudsman for Children. Research was implemented in 17 secondary and 18 primary schools in republic of Srpska and Young Advisors have surveyed more than 1200 children. After analyzing results, their message was that it is necessary to strengthen cooperation between parents, students and school, to strengthen the role of pedagogue and psychologist in schools and to make Protocol on Proceedings in Cases of Peer Bullying in Republic of Srpska more available.

International Day of Children’s Rights was marked by Young Advisors in their schools in many ways. In some schools they have held workshops on children’s rights, and in others they had info desks where Young Advisors gave away Network’s of Young Advisors promotional material, posters and flyers, on Convention on Rights of Child.

10. 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.

In March 2012, on ENYA Forum that enables communication of ENYA members proposed are following discussion topics: juvenile delinquency and Children in Institutional care. Young Advisors from Republic of Srpska did their best to provide the highest quality observations, comments and suggestions and the most active were Blazenka Lukic, student of High School Center “Jovan Cvijic” Modrica and Stefan Marinkovic, student of Secondary School “Nikola Tesla” Samac who were selected to represent their Peers from Republic of Srpska in Warsaw.

Selected Young Advisors together with their peers, young advisors from Greece, France, Cyprus, Malta, Ireland, Norway and other European countries gave their proposals and suggestion on stated topics.
Proposals and conclusions of Young Advisors in Warsaw were presented to Ombudsmen for Children on 16th Annual Conference of ENOC that was held in Nicosia in October, 2012. Topic of the conference was “Juvenile delinquency – child-friendly judiciary, structures and processes for prevention and intervention”. Deputy Ombudsman for Children, Zlatoljub Misić, has participated in work of two thematic workshops and on the first one he presented results of Ombudsman for Children of Republic of Srpska research on economic exploitation of children. During second workshop member countries have presented examples of good practice. Institution of Ombudsman for Children of RS has stated as example of good practice the cooperation of Institution and competent ministries which has resulted in Protocol on Proceedings in cases of Violence, Abuse and neglecting of Children.

In 2013 subject of ENYA’s activities was Children on the move and Young Advisors were invited to participate in making a short movie on this topic. Institution was not in position to provide financial support for engagement of children and also children did not show great interest in this subject.
XIII COOPERATION WITH NON-GOVERNMENT ORGANIZATIONS

Non-government sector has very important role in promotion and protection of children rights.

The role of non-government sector is directed, foremost, to raising citizen's consciousness about human rights in general and especially about children rights, their implementation and protection. Non-government sector achieves its goals in different ways, among others, by collecting data in the field 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.

Some of activities implemented in cooperation with non-government organizations in 2013 are:

1. Save the Children

Regional program “Prevention of Child Exploitation in South-East Europe” was started in 2011 with support of international organization Save the Children and it was expression of the need to get data on regional level and based on unified methodology about different forms of child exploitation, causes that lead to it, consequences on child’s growth and development and possible ways to improve system of child protection from all forms of violence, abuse and neglecting, especially of children who are victims of any form of exploitation or are at risk to become.

The first research in frame of this program was related to child beggary and it was implemented in 2011. Second research was dedicated to the great problem of sexual violence, abuse and exploitation and third research was related to exploitation of children on the internet. Research topics were mutually proposed and harmonized by institutions of countries in the region – Program participants, what was additional confirmation of the need for joint work in overcoming of these problems as the presence of endangerment of children’s rights on abovementioned basis is more than obvious in countries of the region.
In 2013 Institution has done research on exploitation of children by the modern technologies. Since the problem of violence against children by these modern technologies is very current, the research had special importance firstly because it has drawn attention to the presence of this problem, its recognition and taking necessary measures in prevention in order to protect children and their interests.

This research supported by the Save the Children enabled Institution to have an insight on presence of this problem in Republic of Srpska, comparing situation with other countries of the region and based on it proposing appropriate measures and activities in strengthening system of protection of children in this area.

2.UNICEF

On occasion of International Day of Children Rights, November 20th, UNICEF traditionally awards journalists for their contribution in promotion and protection of children rights. The role of media is highly important not only in general promotion of children rights but also in strengthening standards in reporting about children and the fact that on daily basis they indicate violations of children rights in different areas, and in that way they point to sections of system of child protection that should be strengthened.

This year Ms Nada Grahovac, Ombudsman for Children, was the President of the Jury for allocation of awards for journalists in B&H. Awarding journalists is not only selection of the best journalist works published in different categories but it is also an invitation for additional engagement in improvement of system of child protection.

3. Flexus Jeugdplein, non-government organization from Holland

Flexus Jeugdplein is non-government organization that works on different projects in Holland that are related to assisting children especially those accommodated in the institutions of social care. In intention to share their fifty years of experience in our region, this organization, in assistance of Ombudsman for Children, has initiated projects in Children’s Home “Rada Vranjesevic”.

Implementation of project, with support of Government of Holland, was started in 2010. Project defines that children of final years of secondary schools that are placed in Children’s Home are moved to a separate part of institution, and with support of teachers and this organization representatives they are going through special program whose goal, firstly, is to prepare children to leave institution. First experiences have shown what and in which direction work with this group of children should be going in order to have positive effects of the program on children, but also they would be beneficiary for society in a whole. Since the employees of this institution are trained to implement those activities on their own and according to their recommendation in 2012 initiated were activities for implementation of new project whose goal was additional work with children with risky forms of behaviour. Project span is three years and it should contribute to the correction of child behaviour and building their sense of responsibility as the work with these children is organized on the one on one principle, one child on one teacher.

New program of activities in Children’s Home is a part of Strategy for Improvement of Position of Children without Parental Care and it is an expression of this Institution’s need to provide additional care to this category of children.

4. ”United women” Banja Luka

5. Citizen’s Association ”Buducnost” Modrica

6. Woman Organization “Lara” Bijeljina

7. 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.

Cooperation with the stated organizations was also implemented through the project “Sexual exploitation of children in Republic of Srpska” where they greatly contributed with their professional knowledge and experience to the better analysis of this problem.

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.

Ombudsman for Children of Republic of Srpska and Woman’s Organization “Lara” Bijeljina have signed Memorandum on Cooperation that for a goal had joint and coordinated actions on promotion and protection of children’s rights and in the reporting period implemented were joint activities of educating children about different forms of violence in Bijeljina primary schools.

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.

8. “Zdravo da ste” Banja Luka

In the reporting period Institution continued its cooperation with non-government organization “Zdravo da ste” who 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 but also with its research on problem of sexual exploitation of children and application of Council of Europe Convention on protection of children in this segment.

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.

9. Education Center “Tvoja riječ” – Program PRESCHOOLER

Education Center “Tvoja riječ” Banja Luka has initiated program Preschooler in order to assist and support children to who, due to difficulties in development, prolonged is enrollment to primary school. Those are children with difficulties in speech, attention, thinking, socialization and functional use of gained knowledge.

In order to ease difficulties these children face and to enable them to share the joy of the first school days with their peers it is necessary to provide organized professional work with them on a daily basis. For this purpose they need adequate premises where all necessary activities with children would be conducted and also certain funds which would enable implementation of planned activities.

Besides numerous institutions and organizations and especially the support that media has given, Ombudsman for Children from a very beginning was supportive of Preschooler. This
support was shown on mutual work meetings with representatives of various institutions, on press conferences, in TV shows and all this was done with one goal; these boys and girls should not miss another year in school because of difficulties they have in their development.

10. GENESIS Project, Banja Luka

Genesis Project is domestic humanitarian organization established in 1995 with the goal of education of children and adults about the rights of the child, gender equality, prevention of diseases of addiction, ecology and protection of environment, healthy life styles, dangers of mines and others.

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 Round Tables, manifestations and exchange of experiences and opinions and in 2013 Genesis Project, in cooperation with UNICEF, 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.

11. Youth Communication Center

From the very beginning Ombudsman for Children has involved children in its work, primarily members of Student Councils, believing that they, through the experience they already have, can give opinions on various issues related to children. Through this cooperation, 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 the 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. 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 about all issues related to their rights and obligations. 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.

12. Citizen’s Association “Youth Center” Kotor Varos

Citizen’s Association „Youth Center” Kotor Varos has addressed Institution to support them in publishing literary competition for award „Hozic’s pen of child”. This competition is ongoing for last for years as the remembrance of the writer Advan Hozic from Kotor Varos. This year Ombudsman was invited to be present at this competition in the role of competition jury.

The jury had difficult task to choose the best out of 70 works that came from 22 primary schools because all were moving stories of children who have recognized violence or have been victims of violence. Students, whose works were declared the best, were awarded during the Centeral Manifestation.
XIV COOPERATION WITH INSTITUTIONS

Acting in accordance with its legal authorities, nearly on a daily basis Institution addresses competent institutions that, based on received complaints on violation of children rights, are competent to decide on issues indicated in complaints.

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, because this attitude towards Institution speaks of the attitude of competent bodies towards those issues and problems which indicate violation of children rights. This cooperation is the key for Ombudsman be able to respond in the frame of law to all requests related to the protection of rights and interests of each child.

More and more institutions and organizations recognize the role and importance of institution of Ombudsman for Children and the need for mutual work in order to improve position and provide protection of children in different areas. Consequently, number of addressing to the Institution is on rise in finding solutions in individual cases as well as in proposing system solutions.

Also number of institutions who address the Ombudsman for Children prior to taking necessary measures and ask for opinions and suggestions on a concrete case is on rise.

It is indisputable that with each year position of competent institutions and services towards Ombudsman for Children is getting better and better but still there are substantial differences in approach and understanding of the concept of protection of the rights and interests of a child that was established by UN Convention on the Rights of the Child.

In the reporting period Institution had great cooperation with Ministry of Internal Affairs in different areas of protecting children’s rights. Protection of children against violence, domestic violence, sexual abuse of children, violence on internet, peer bullying, use of pyrotechnic devices, prevention of juvenile delinquency are just some of topic Institution worked on in cooperation with Ministry of Internal Affairs of Republic of Srpska. Numerous services that Institution has contacted have shown not only full understanding but also willingness to take all necessary measures that are in accordance with their authorities. Ministry of Internal Affairs had shown great initiative in preventive work with children in order to decrease their engagement when problem that needs their intervention occurs. 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. Besides jointly organizing Central Manifestation of Children’s Week and International day of Children Rights jointly organized on the occasion of International Day of Human Rights was the Round Table “Programs of Prevention are Integral part of Curriculum”.

Activities during the reporting period were mostly focused on promotion of Protocol on Proceedings in Cases of Violence, Abuse and Neglecting of Children, its appropriate application by all subjects of protection, and in preparation of all subject of protection for implementation of Protocol in part that relates to drafting annual report on violence against children in Republic of Srpska.
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. Besides that, Ombudsman was informed, on a regular basis, on Ministry’s activities related to system measures and activities that were taken, promotion and presentation of different activities related to health and social protection of children.

In last three years number of addressing Institution made to Ministry based on received complaints has been significantly decreased.

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. The most recommendation Institution has made in reporting period were for Ministry of Education and Culture and usually they are about 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, than about the need of introducing prevention programs in education system and, most importantly, Ministry’s supervision in proceedings before the educational institution. Ongoing changes within the Ministry have slowed down their responses in certain number of Institution’s requests, and often responses were not delivered in given timeframe. Ministry delivered to the Institution their plan of activities with deadlines for implementation of the stated activities including those recommended by the Institution.

Since it was established Institution had cooperation with Public Found for Children’s Protection primarily in implementation of project of child socialization and with its engagement Institution is contributing to the efforts of Fund and competent Ministry in realization of this activity that is ongoing for years now on great satisfaction of children and their parents. In the reporting period cooperation was also established in proceedings of Institution on individudal cases where in question was implementation of the right to financial support for child birth.

Institution in reporting period on quit a few occasions has addressed competent inspection services. Inspection service in the frame of their lawful authority have very important role in protection of children rights on different basis. Inspection services supervise and assess if competent body in concrete cases have acted in accordance with the law. With timely and proper reaction of inspection services in individual cases the number of complaints to the Institution would be decreased.

In reporting period, Institution frequently addressed Education Inspectorate requesting them to take all legal measures in order to protect rights and interests of the children. Unfortunately, there was no adequate reaction primarily in taking measures that are under Education Inspectorate’s competency and in ordering controlled body to remove all found irregularities in prescribed deadline.

In Special Report that Institution has delivered to the 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. Acting Director Chief Republic Education Inspector 155 timely informed Institution that taken are all necessary measures that prevent proceedings which additionally lead to violation of rights and interests of children in education system.

In reporting period Institution has also addressed Administrative Inspectorate, Water Management Inspectorate, and Traffic Inspectorate.

In reporting period Institution continued cooperation with Gender center of Government of Republic of Srpska. This cooperation was ongoing through several different activities and it was just continuance of good practice from previous period. Gender Center has recognized the importance of educating children and their participation in all questions relevant to them so it supported implementation of Program “Preparations for Certification of Peer Educators on Children Rights for Young Advisors of Ombudsman for Children of Republic of Srpska” that was financed with FIGAP Program funds. Participation of Gender Center employees in activities during implementation of this program contributed to better understanding of rights of child and gender equality. Young Advisors were also invited to take part in activities of Workshop „Take Control over Technology”organized on the occasion of marking 16 days of activities in fight against women abuse. Young Advisors also took part in research conducted by Gender Center on „Research on the role of information-communication technologies in lives of girls and boys”and in the presentation of the results of research in 5 cities: Doboj, Brod, Ptnjavor, Kozarska Dubica and Foca.

Cooperation with Agency for Information Society of Republic of Srpska was related mostly to Internet, its advantages and risks, and on protection of children on internet. For a fourth year now, Ombudsman for Children and Agency jointly are organizing marking of the International Safe Internet Day and Agency gave its contribution in research on exploitation of children on the Internet that Institution has implemented in reporting period.

Cooperation with faculties in Republic of Srpska is very important for Institution. Therefore Institution in reporting period has continued cooperation with faculty of Philosophy and Faculty of Political Science in Banja Luka primarily by organizing discussions about certain issues to which they always gave their expert contribution. With their professional and argumentative approach, experts contribute to better understanding of children rights and, in final, to more appropriate protection of children in different fields.

In reporting period continued was cooperation with Faculty of Law of the Istocno Sarajevo University with promotion of compilation of works “Rights of the child and gender equality-between law and reality” on 2012 scientific symposium that was organized by Faculty, Ombudsman for Children and Gender Center of Republic of Srpska Government. In regard to 67th year of their existence and work the Faculty of Law also has organized scientific symposium on the Rule of Law and special award was given to the Institution of Ombudsman for Children of Republic of Srpska.

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. 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.

Institution in reporting period has continued cooperation with City of Banja Luka, municipality Modrica, City of Prijedor, and Public Library in Istocno Sarajevo that with it possession of contents for children and their initiative for additional contents indicate not only that it recognizes the needs of children of different age but also that it executes them. Once a month, Library provides premises for Institution to use during field office days.
Institution also cooperated with Free Legal Aid Center. Since recognized is the need for their additional engagement in cases received by Institution, and which require appropriate procedures and are related to implementation of rights of children to support and alimony, Institution has signed agreement with Center on joint engagement on these issues.

Cooperation is established with certain number of Centers for Social Work and Centers for Mental Health, and with Primary and Secondary Schools of Republic of Srpska. Cooperation with schools is established on different basis, from solving individual cases to the education of children and researches. Ombudsman very often is invited by schools to educate and advise their children, parents and even teachers. Based on the invitation of Council of Parents and management of the Primary School “Sveti Sava” Zvornik, representatives of the Institution have paid a visit to this school and talked with Council of Parents about numerous questions related to growth and development of a child. During the second visit to this school that also was initiated by parents in cooperation with school management, representatives of Institution have held educational workshops on topic of recognizing and prevention of violence and benefits and risks of Internet use.

In Secondary School “Nikola Tesla” Teslic, after regular workshop “Do we know what violence is?” school has invited Institution to have two more of these workshops.

Importance of education of children about violence was recognized by Catholic Secondary School Center in Banja Luka, who had invited Ombudsman to have workshops in 2 second grade classes but it additionally asked for workshops for another 4 second grade classes.

Cooperation with schools is very important for the Institution because it contributes to the better understanding of the role of Ombudsman for Children and it improves communication not only with children and schools but also communication between children and teachers, professional services and school management and its aim is real cooperation and understanding of children, parents and teachers. Since the work of Institution is becoming more and more visible, increased is the number of schools that address Institution with their proposals of topics upon which Institution could act, they asked for advices in individual cases, stated examples of good practice, gave proposals for improvement of educational role of school, requested support in education of children, etc.
XV  PUBLIC RELATIONS

One of basic specificities of functioning of Institution of Ombudsman is its relation towards public. Due to extremely important role of public in functioning of the Institution: it makes Institution visible, more prone to the citizen’s needs, informs of individual violation of rights of a child, and indicates weaknesses of certain parts of the system and the need for system measures and activities in protection of children rights and interests, Institution used different measures to make its work available for public.

The Law on Ombudsman for Children\(^\text{156}\) stipulates that the Ombudsman for Children informs public about the state of the right of the child in Republic of Srpska. The goal of informing public is not only to contribute to solving individual cases but, foremost, to indicate system partiality in recognizing basic demands and principles of UN Convention in implementation of rights and interests of children and their protection, to indicate failures in work of institutions and services and also to invite children and their parents and all those who provide care for children to timely report each and every case of violation of children rights. Informing the public about violation of the rights of the child at the same time has preventive and educational role – protection of future similar acts and introduction, of not only children but of those who care for them, on manners and possibilities of exercise and protection of the rights of the child.

Activities of the Institution regarding problems in implementation and protection of children’s rights and interests that media wrote about has caused reaction in a sense of higher number of addressing of the Institution, either by filing new complaints for same or similar problems, or by seeking additional information for situations in which child finds itself. Certain number of citizens, like in the previous year, contacted the Institution and gave support for the selected topic and the manner of talking about it.

In reporting period Institution used different forms to expose its activities and work to those for whom it has been established. Primarily, Institution used media. 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. In reporting period, Institution has cooperated with almost all media, written and electronic, on local and national level. With some media this cooperation was better and it was expression of their need to inform public on issues related to protection of children’s rights, thus opening a number of issues that have so far never been written about.

In 2013, according to the Institution’s database, Institution has received 167 requests where journalists ask opinion of Institution on numerous questions related to childhood issues. The number of these requests in 2013 compared to 2012 was increased by 20%.

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 face on daily basis, protection of children from different forms of violence on the Internet, child

\(^{156}\) The Law on Ombudsman for Children, Article 5.
neglecting. Noticeable is higher level of sensitivity of media in reporting about sexual abuse of children. In reporting period Institution received from media certain number of complaints on violation of children’s rights and those are mostly cases of different forms of violence against children and child abuse.

In one number of cases, where media reported on violation of rights of child, Institution has found basis to require from responsible bodies to take all necessary measures and activities in protection of child and its interest.

The Media undoubtedly, by its engagement, contribute to raising awareness on importance of recognition of the rights of the child and the necessity of adequate reactions in given situations by indicating violation of the rights of the child in various fields, and also by indicating the weaknesses of the system – those parts that did not respond to the needs of children.

The Institution had the same approach to all the Media, meaning that announcements made by the Institution simultaneously go to all media services and also the Institution have responded to all media requests for information in given deadline.

Besides cooperation with the Media, the Institution has used other ways in order to inform public about its activities.

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](http://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.

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 are as well available to the public. Special reports are always derived from a broader discussion on specific issues that public is already familiar with during the discussion, and then further by its publishing on the web page of the Institution. Besides reports, all recommendations, opinions and initiatives of Institution are publicly published. Practically, all daily activities of Institution are available for public, providing media with usable information.

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 is of great importance for the Institution.

Implementation and protection of the rights of the child, 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

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157 Almost all media reported about case of sexual abuse of eight years old girl but not even one media revealed the identity of a girl (nor her parents identity, initials, school she attends, town she lives in)
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.

Institution will, in the forthcoming period, will 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.
XVI OTHER ACTIVITIES

Exchange of experience with institutions of Ombudsman in surrounding countries and other organizations and institutions that work on protection of children’s rights is extremely important, primarily because the fact that issues and problems those organizations and institutions indicate are almost identical in all surrounding countries what was confirmed by joint work on project of protection of children from various forms of exploitation. Experience exchange 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. This project was very significant experience for each and every institution that has participated in this project.

Upon invitation, Institution was present at following international conferences:

**International Conferences**

Novi Sad  
February 27th, 2013  
Meeting „Prevention of Exploitation of Children in South-East Europe”

Novi Sad  
April 22nd- April 24th, 2013  
Conference of Network of Ombudsmen for Children of South-East Europe (CRONSEE)

Bruxelles  
September 24th – September 27th, 2013  
Regular Annual Conference and General Assembly of ENOC

Zagreb  
November 5th, 2013  
Meeting of CRONSEE, topic „Children on the move”

**Upon invitation of organizer, Institution attended:**

Vlasic  
January 22nd – 26th, 2013  
Meeting of Workgroup for drafting Protocol and Guidelines for prevention of cases of violence against children

Banja Luka  
January 23rd, 2013  
Round Table „Compliance of work and parenthood”

Sarajevo  
January 24th, 2013  
Conference „Violence against children in B&H: situation, perspective, challenges and needs”

Sarajevo  
January 29th, 2013  
Meeting „Assessment of Child Beggary (and other forms of work on the street) in Bosnia and Herzegovina”

Banja Luka  
January 31st, 2013  
Round Table „Monitoring of children rights on municipal level”
Banja Luka  
February 8th, 2013  
Presentation of publication „Multiple Indicators Research in Republic of Srpska in 2011-2012”

Banja Luka  
February 11th, 2013  
Conference on results of analysis of school curriculum for primary schools

Sarajevo  
February 21st, 2013  
Establishment of a single European telephone number for missing children

Banja Luka  
March 14th, 2013  
Festival of children’s one minute film „Got a minute?”

Banja Luka  
March 14th, 2013  
Promotion of Work Compilation „The rights of a child and gender equality – between law and reality”

Banja Luka  
March 21st, 2013  
Manifestation in regard to the International Day of Down’s syndrome

Laktasi  
March 27th - 29th, 2013  
International Scientific Conference „Peer Bullying”

Banja Luka  
April 2nd, 2013  
Marking of International Day on Autism Awareness

Istocno Sarajevo  
April 2nd - 4th, 2013  
Marking of International Day of Children Literature – Public Library Istocno Sarajevo, Great Children’s Festival, festival - fairytales

Banja Luka  
April 15th, 2013  
Presentation „Guidelines for nurturing infants, preschoolers and school-age children”

Banja Luka  
April 17th, 2013  
7th International Festival of Children Poetry „Children’s Kingdom Mikrofin”

Banja Luka  
April 18th, 2013  
Promotion of Project „Schoolbags are too heavy”

Doboj  
April 24th, 2013  
Manifestation „Colors of spring” in Primary School „Vuk Karadzic” with participation of children challenged in their development

Banja Luka  
April 26th, 2013  
Conference in regard to International day of Girls in science, technology, innovations and information-communication technologies
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<td>Doboj</td>
<td>May 15th, 2013</td>
<td>Marking of International Family Day</td>
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<tr>
<td>Banja Luka</td>
<td>May 15th, 2013</td>
<td>Round Table „Family values in modern society“</td>
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<td>May 23rd, 2013</td>
<td>Presentation of a document „Guidelines for proceedings in cases of violence against children in Bosnia and Herzegovina“</td>
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<td>Kotor Varos</td>
<td>June 6th, 2013</td>
<td>Ceremony „Hozic’s Children Pen“</td>
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<td>Banja Luka</td>
<td>June 26th, 2013</td>
<td>Round Table „Lanzarote Convention – challenges, application through the legislative and practice in B&amp;H“</td>
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<td>Vlasic</td>
<td>August 1st-2nd, 2013</td>
<td>Meeting of the Workgroup for drafting Strategy and Action Plan for improvement of system of protection from child pornography and other forms of sexual exploitation and abuse of children in Bosnia and Herzegovina in upcoming period</td>
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<td>Banja Luka</td>
<td>August 12th, 2013</td>
<td>Conference „Prevention of violence and conflicts amongst youth“</td>
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<td>Banja Luka</td>
<td>September 10th-11th, 2013</td>
<td>Meeting of a Workgroups for following sectors: „Education and life skills”, „Child participation and protection” and „Economic development” with the goal of defining priorities for each of these sectors</td>
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<td>Banja Luka</td>
<td>September 25th, 2013</td>
<td>Round Table „Dyslexia, do you know we exist?”</td>
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<td>Gradiska</td>
<td>October 2nd, 2013</td>
<td>Round Table „Socio-pedagogic living habitats“</td>
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<td>Banja Luka</td>
<td>October 8th, 2013</td>
<td>Round Table „Reproductive health-condition for survival“</td>
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<td>Jahorina</td>
<td>October 21st-22nd, 2013</td>
<td>Workshop „Exchange of experiences in regard to piloting Guidelines on proceedings in cases of violence and child abuse on municipal level“</td>
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<td>Sarajevo</td>
<td>October 24th, 2013</td>
<td>Conference on Social Protection and Inclusion in Bosnia and Herzegovina</td>
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<tr>
<td>Istocno Sarajevo</td>
<td>October 26th, 2013</td>
<td>International Scientific Conference „The Rule of Law and Legal State in the region“</td>
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Banja Luka  October 30th, 2013
Round Table „Stop the violence on sport’s manifestations”

Modrica  November 5th, 2013
Work Meeting on „Establishment of efficient model of protection of victims of domestic violence”

Banja Luka  November 6th, 2013
Round Table „Intentional abortion – where are we today and where we go from here?”

Banja Luka  November 6th-8th, 2013
Presentation of Conclusions of VII mRESURS Conference

Banja Luka  November 13th-14th, 2013
Seminar „Domestic Violence”

Jahorina  November 13th-15th, 2013
Conference „Young man as allies in violence prevention: activism to transformation of masculinity”

Banja Luka  November 18th, 2013
Lecture on „Crisis of modern family – the pitfalls of growing up”

Banja Luka  November 22nd, 2013
Conference in regard to Week of adult man, young man and boy in Republic of Srpska

Banja Luka  November 26th, 2013
Conference on preschool education „The importance of education in child’s early age”

Banja Luka  November 29th, 2013
Round Table „Violence among young persons and violence in young persons’ emotional relationships”

Banja Luka  December 2nd, 2013
Workshop „Take control over technology- safety of girls and women on the Internet”

Institution have organized:

Banja Luka  February 5th, 2013
Marking of the International Day of Safe Internet: „Rights and responsibilities of children on the Internet” – in cooperation with Primary School „Ivo Andric”, Information Society Agency of Republic of Srpska and Center for Education, Correction and Rehabilitation of Hearing and Speech

Banja Luka  June 4th, 2013
Marking of the International Day of Children Victims of Abuse – Round Table „Protecting Children from Violence” in Primary School
„Jovan Jovanovic Zmaj” – in cooperation with Ministry of Internal Affairs of Republic of Srpska

Banja Luka October 9th, 2013
Celebrating Children’s Week „Children Rights and Institutions” in cooperation with Ministry of Family, Youth and Sport

Banja Luka November 19th, 2013
Round Table „Application of the Protocol on proceedings in cases of violence, abuse and neglecting of children” – in cooperation with the Ministry of Family, Youth and Sport

Doboj November 26th, 2013
Round Table „ Application of the Protocol on proceedings in cases of violence, abuse and neglecting of children”

Bijeljina December 3rd, 2013
Round Table „ Application of the Protocol on proceedings in cases of violence, abuse and neglecting of children”

Foca December 16th, 2013
Round Table „ Application of the Protocol on proceedings in cases of violence, abuse and neglecting of children”

**PUBLICATIONS**

In 2013 Institution has published following publications:

1. Prevention of child exploitation in South-East Europe - Exploitation of children on the Internet
3. Children on the Internet
4. Young Advisors – pamphlet
5. Young Advisors – publication
6. Protocol on Proceedings in cases of violence, abuse and neglecting of children
<table>
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<td>4129-41</td>
<td>Expenditures for representation within the country</td>
<td>1.212,93</td>
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<td></td>
<td>4129-43</td>
<td>Expenditures for organization of receptions, manifestations</td>
<td>1.898,11</td>
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<tr>
<td>8</td>
<td>4129-44</td>
<td>Expenditures for Christmas gift for employee's children</td>
<td>393,10</td>
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<tr>
<td>9</td>
<td>4129-73</td>
<td>Expenditures for taxes and vehicle registration</td>
<td>588,09</td>
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<tr>
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<td>4129-92</td>
<td>Expenditures for memberships</td>
<td>1,985,83</td>
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<td>4129-99</td>
<td>Other non-mentioned expenditures</td>
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<tr>
<td><strong>X</strong></td>
<td><strong>510000</strong></td>
<td><strong>Expenditures for non-material property</strong></td>
<td><strong>4,319,06</strong></td>
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<tr>
<td>1</td>
<td>511300</td>
<td>Expenditures for procurement of equipment</td>
<td>3,170,22</td>
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<td>2</td>
<td>516100</td>
<td>Expenditures for materials in reserve, tires, packagings, etc.</td>
<td>1,148,84</td>
</tr>
<tr>
<td>1</td>
<td>APPROVED BUDGET FOR 2013</td>
<td><strong>715,000,00</strong></td>
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<tr>
<td>5</td>
<td>REALIZED IN 2013 IN TOTAL</td>
<td><strong>702,506,55</strong></td>
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<tr>
<td>6</td>
<td>UNUSED APPROVED BUDGET FUNDS</td>
<td><strong>12,493,45</strong></td>
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</tr>
</tbody>
</table>

**Funds Received from Donators in 2013**

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<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Current grants from legal entities in the country</td>
<td>18,162,00</td>
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<tr>
<td>Transfer for current grants in the country (FIGAP program)</td>
<td>7,471,30</td>
</tr>
<tr>
<td>TOTAL FUNDS FROM DONATIONS-GRANTS</td>
<td><strong>25,633,30</strong></td>
</tr>
</tbody>
</table>
XVIII    PLANNED ACTIVITIES FOR YEAR 2014

In accordance to the authority prescribed by the law in 2014, Ombudsman for Children will:

- Institution will, as in previous period, follow the activities in preparation of laws and other regulations which define issues of importance for the protection of the rights of the child and in accordance with powers established by the Law actively participate in passing of the same;

- Institution will focus its activities primarily on analysis of data on violence against children in Republic of Srpska that are expected by mid-year from Ministry of Family, Youth and Sport and based on the data provided by Ministry of Education and Culture, Ministry of Health and Social Protection and Ministry of Internal Affairs in accordance with the provisions of the Protocol on Proceedings in cases of violence, abuse and neglecting children. After insight and analysis of collected data, Institution will continue all necessary activities in promotion and presentation of Protocol and education of all relevant subjects of protection to whom this Protocol relates, including children;

- Institution will continue already started activities on introducing program of prevention of violence, abuse and neglecting of children in educational system that will be implemented in accordance with the needs of children and their age in child-friendly manner; simultaneously ongoing will be education of teachers and professionals on topics stated in the prevention programs;

- Institution will instigate initiative that programs of prevention for protection of students health (alcohol and tobacco use, reproductive health, weight of schoolbag, healthy nutrition and lifestyle) are part of obligatory school curriculum,

- Institution will continue activities on informing public about safe use of Internet, promotion of responsible use of Internet and it will continue on indicating possible risks and dangers children can be exposed on the Internet in accordance with the Recommendations that were result of research on child exploitation on the Internet;

- Research will be done on organization and functioning of Students’ Homes, their capacities and conditions for implementation of children rights,

- Research on implementation of the rights of children to preschool education, especially in a part of subvention of children stay in kindergartens for a third child in accordance with Strategy for Family Development in Republic of Srpska,

- 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 encourage them in presenting their opinions.

- 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 forecoming period continue cooperation with Media and also it will encourage subjects of protection to cooperate with media, to make their work more transparent and to make all their activites, 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,

- The Institution will continue cooperation with institutions of Ombudsman from surrounding countries, and as a full member of ENOC and CRONSEE it will actively contribute to the improvement of these associations work.